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THE BRITISH COMMONWEALTH OF NATIONS

A STUDY OF ITS PAST AND FUTURE DEVELOPMENT

BY

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TO MY

MOTHER AND FATHER

PREFACE

THE problems of government presented by the British Empire fall roughly into three great categories: (1) problems of national government, (2) problems of imperial government, (3) problems of international government. Into the first category fall questions centring in and chiefly concerning some one member of the group of five self-governing States, namely, the United Kingdom, Canada, Australia, South Africa, and New Zealand. Into the second category fall questions arising out of the relationships between these self-governing States and their dependencies (e.g., as between the United Kingdom and India, or the Crown Colonies, Protectorates, Mandated Territories, etc.; or as between Australia and Papua, or New Zealand and Samoa, or South Africa and late German South-West Africa). Into the third category fall questions arising out of the mutual relationships of the group of five States already mentioned.

It is with this third category, the problem of international government presented by the relationships between the Dominions and the United Kingdom, that this book is mainly concerned. Its aim is to trace the rise of this problem, to give a critical account of the momentous developments of the last few years, to investigate the various aspects of the problem as it faces us to-day, and to suggest the general lines along which the British Commonwealth should develop in the future, not merely in respect of its internal relations, but also in respect of its relations with the all-inclusive League of Nations.

The British Commonwealth has now reached the third of the three great turning-points in its development. The first was the American Revolution, and the second the grant of a limited Responsible Government to Canada. The third is the problem created by the transformation of this limited responsible government into the unlimited responsible

government, the equality of nationhood and of statehood, now claimed and practically secured by the Dominions. The peoples of Great Britain and the Dominions have ranged before them for choice, more sharply defined and more insistent than ever before, the three alternatives round which discussion has moved with increasing clearness since the middle of the Eighteenth Century—*either* formal disruption, *or* the free co-operation of autonomous States, *or* Imperial Federation, that is, an Imperial Super-State. We have moved so far, and we are moving at present, along the middle course—a course not unlike the one adopted in framing the constitution of the League of Nations—and so long as political and social conditions remain as they are at present amongst the British peoples, and throughout the world, it would be dangerous, perhaps disastrous, to attempt any serious departure from it. Whether this middle road will be long or short, whether it will prove a difficult but possible, or an altogether impossible, route, whether we will be forced ultimately to choose between formal dissolution or Imperial Federation—is a matter of speculation. And political and social conditions, throughout the world, and thought as to the nature and development of political and social institutions, is in such a flux at the present time, that speculation on such a question is of little practical value.

But whatever may happen in the distant future, it is clear that we have now reached a point in this middle road where further progress is impossible unless we can clear away certain great obstacles. To make further progress possible we must first define the status of the Dominions (reconciling, if they can be reconciled, equality of nationhood and the formal unity of the Empire), and also the exact nature of the relationships of the members of the British Group of States to one another ; in the second place we must construct the machinery of co-operation required by the Group to satisfy their common needs and desires ; in the third place we must define the relations between the British Group of States and the wider League of Nations.

This work of definition and of construction is difficult, but it is urgent—far more urgent than is generally realized either

in the United Kingdom or in the Dominions. The spirit in which the work is done, and whether it is done well or badly, is of immediate and vital importance to each citizen in each of the States concerned. Nor is this a matter which concerns the British peoples alone. It is of the greatest importance to the world as a whole. Whether the League of Nations is to succeed or to fail, rests very largely with the British Commonwealth. If the latter pursues a wrong policy in the League, it may destroy the League. If the British Commonwealth fails to define and to explain the relations of its members, in such a way that these relations are easy to understand and commend themselves as reasonable to the other members of the League, suspicion and distrust may be caused which will weaken or even disintegrate the League.

Although the book is primarily concerned with the relations between the Dominions and the United Kingdom, the question of the future of the Dependencies is so intimately related to this subject, that it is necessary for me to define my position in respect of the Dependencies.

The British Empire is still as regards population six-sevenths an Empire and only one-seventh a Commonwealth—that is, only one-seventh of its peoples (those in the United Kingdom and the self-governing Dominions) possess political self-government, the remaining six-sevenths being in various stages of dependence.[1] Nevertheless, there is at work a common principle uniting the Commonwealth and the Empire. The colonizing and trading activities of the British peoples have resulted in the building up of three Empires. The first was destroyed by the Revolt of the American Colonies in 1776. The second was deliberately destroyed by the Mother Country, through the gradual application of the principle of Responsible Self-Government ; and in its place has arisen a Commonwealth of autonomous self-governing States. The third Empire—

[1] It should be remembered that India, with her population of about 315 millions, and Egypt with about 12 millions, account for the bulk of this remainder ; and that India when her new constitution matures, and Egypt when her projected new constitution comes into operation, will become autonomous nations in, or in close connexion with, the British Commonwealth.

India, Egypt and the Dependencies—is already in process of transformation. The Durham Report on Canada in 1839 marked the beginning of the first great stage in this progress from Empire to Commonwealth. The beginning of the second great stage—the extension of Responsible Self-Government to the non-European peoples of the Empire—was marked by the publication of the Montagu-Chelmsford Report on India in 1918. Just as Canada led the way for the Colonies, so India must lead the way for the Dependencies. Thus the common principle which is at work gradually uniting the Commonwealth and the Empire, is the principle of progressive self-government.

It is the business of the Democracies of the British Commonwealth to insist that this second great step in the application of the principle of progressive self-government should be followed up as rapidly and as systematically as possible; that the peoples of each Dependency should be wisely and generously encouraged and assisted to travel as fast and as far as they can along the road to complete Responsible Self-Government; that wherever natural conditions permit, groups of Dependencies should be encouraged to form regional federations varying in type according to their peculiar needs; that if and when such a federation proves its capacity for full Responsible Government, it should be admitted as a partner State in the British Commonwealth of Nations, on terms to be arranged by the free consent of both parties, or should be allowed, if it insists, to withdraw from the British Commonwealth; and that with these possible developments in view, the principles laid down and the machinery adopted to meet the present needs of the self-governing peoples, should be of such a nature that, when the need arises, they will be capable of extension to the Dependencies.

A word must be said here about the origin of the book and the debt which it owes to friends and to other writers on the subject. The book was written at the request of Mr. Sidney Webb, acting on behalf of a Committee of the Fabian Society, appointed late in 1917 to consider the question. It was presented as a Report to the Society and accepted without

modification. In accordance with the practice of the Society, the author was given a completely free hand throughout its preparation and writing, and the Society is not necessarily to be held responsible for the opinions expressed or the conclusions reached in the book. Articles embodying some of the results of the book have appeared in the *Journal of the Society of Comparative Legislation*, in *United Empire* (Journal of the Royal Colonial Institute), and elsewhere.

The extent of the debt which the book owes to previous writers on the subject—in particular to the vast knowledge and clear exposition of Professor A. B. Keith's *Responsible Government in the Dominions* and *Imperial Unity and the Dominions*—may be gathered from the numerous references and acknowledgments made in the footnotes. To Mr. Lionel Curtis and his colleagues, and to the contributors to the *Round Table*, I owe a debt which I am the more anxious to acknowledge because I have had occasion to differ from them more than once in this book, and on several issues which seem to me of vital importance. Though I have differed, I have learnt much from their investigations, and wish to pay a tribute to the stimulating quality of their work and to the fine spirit in which it is done. I owe much to friends in Australia, Canada and New Zealand (especially to Mr. J. Le Gay Brereton, and my brother, Mr. A. Machin Hall, of Sydney University ; and to Mr. J. A. Stevenson of Ottawa) for keeping me in personal touch with developments in these countries and for supplying me with valuable literature and documents. For similar services, freely and courteously given, I am indebted to the Offices of the Dominion High Commissioners in London, to Sir Howard d'Egville, Secretary of the United Kingdom Branch of the Empire Parliamentary Association, and to the secretaries of a number of other voluntary associations. Many friends and fellow-students, in England and Australia, in the Workers' Educational Association and in University Tutorial Classes, have played a part in the making of the book, in testing and establishing principles, and in giving me points of view and experience not to be found in text-books and parliamentary papers. I am indebted also to Mr. W. H. Cocker, of Christchurch,

New Zealand, and Emmanuel College, Cambridge, for the patience and care with which he has read the proofs, and for making some important criticisms. To my wife the book owes much in many ways.

My best thanks are due to Mr. Sidney Webb for advice and encouragement most freely and generously given, and for offering valuable suggestions in respect of a portion of the book read by him in manuscript ; to Professor H. E. Egerton, Beit Professor of Colonial History at Oxford, and to Sir Charles Lucas, who added to the debt which I, in common with all other students of the subject, owe to them for their well-known writings, by reading through the greater portion of the book in manuscript, and offering a number of valuable suggestions, particularly in respect of the historical chapters; and, above all, to the Master of Balliol (Mr. A. L. Smith) and Professor W. G. S. Adams, Gladstone Professor of Political Theory and Institutions at Oxford. The latter read through the book in manuscript and gave me invaluable advice and counsel during its preparation ; to the knowledge and practical experience of both and to their generous encouragement the book owes more than I can tell.

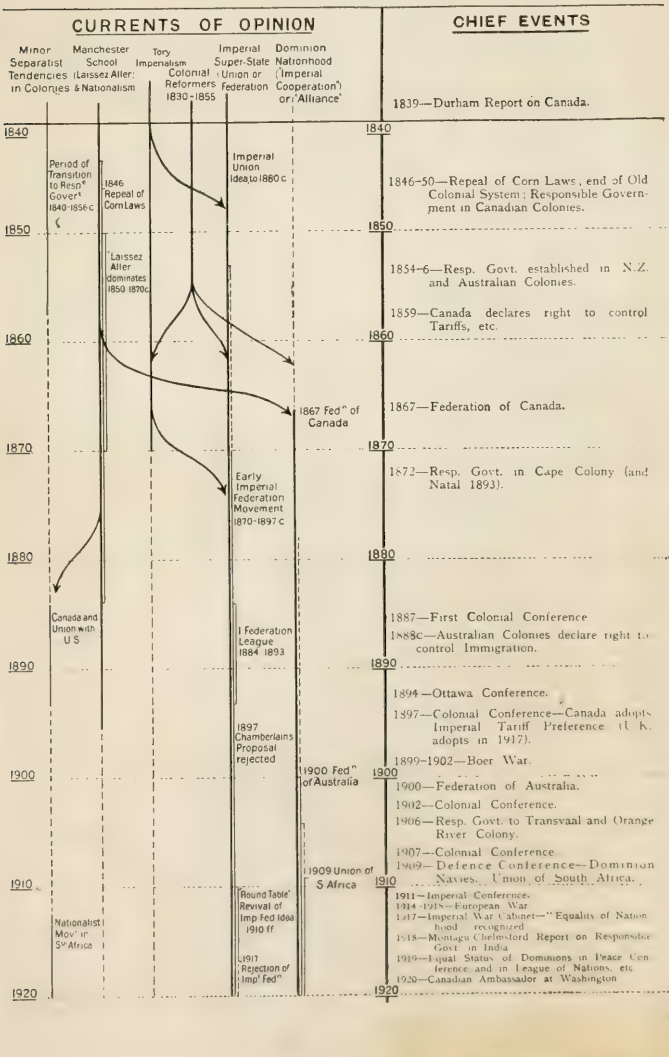
It must not be assumed that any of the persons mentioned above are in agreement with all or any of the opinions expressed or the conclusions reached in the book. My experience in writing it has made me painfully aware of the difficulty and complexity of the subject. That I have been able to write it at all is due largely to the help given me by others, and the faults in it are mine, not theirs.

H. Duncan Hall

Oxford, *October*, 1920

RELATIONS BETWEEN THE DOMINIONS AND THE UNITED KINGDOM.

TIME CHART SHOWING CHIEF EVENTS AND GROWTH OF IDEAS, 1840–1920.



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THE BRITISH COMMONWEALTH OF NATIONS

CHAPTER I

INTRODUCTORY

"WHATEVER we may say, and whatever we may "think, we are subject Provinces of Great "Britain. That is the actual theory of the "Constitution, and in many ways which I need not specify "to-day that theory still permeates practice to some extent. "I think that is one of the most important matters that will "have to be dealt with when this question of our future "constitutional relations on a better and more permanent "basis comes to be considered. *The status of the Dominions "as equal nations of the Empire will have to be recognised to "a very large extent.*" (Speech of General Smuts in Debate on the Constitutional Resolution at Imperial War Conference, 1917.)

"... I look forward to a development in the future along "the line of an *increasingly equal status between the Dominions "and the Mother Country.*" (Sir Robert Borden. *Ibid.*)

"The Union Parliament stood on exactly the same basis "as the British House of Commons, which had no legislative "power over the Union. ... Where in the past British "Ministers could have acted for the Dominions [in respect "of foreign affairs] in future Ministers of the Union would "act for the Union. The change was a far-reaching one "which would alter the whole basis of the British Empire.

" . . . *We have received a position of absolute equality and* " *freedom not only among the other States of the Empire, but* " *among the other nations of the world.*"[1] (From speeches in the Union House by General Smuts in the Peace Treaty Debate, September 9 and 10, 1919.)

" . . . On behalf of my country I stood firmly upon this " solid ground ; that in this, the greatest of all wars, in which " the world's liberty, the world's justice, in short the world's " future destiny were at stake, Canada had led the democ- " racies of both the American continents. Her resolve had " given inspiration, her sacrifices had been conspicuous, her " effort was unabated to the end. The same indomitable " spirit which made her capable of that effort and sacrifice " made her equally incapable of accepting at the Peace " Conference, in the League of Nations, or elsewhere, a status " inferior to that accorded to nations less advanced in their " development, less amply endowed in wealth, resources " and population, no more complete in their sovereignty " and far less conspicuous in their sacrifice." (From speech in the Canadian House by Sir Robert Borden in the Peace Treaty Debate, September 2, 1919.)

These extracts from speeches delivered by General Smuts and Sir Robert Borden at the Debate on the Constitutional Resolution passed by the Imperial War Conference in 1917, and during the Treaty Debates in their respective Houses of Parliament in September, 1919, mark the startling progress made by the Dominions since 1917 towards absolute equality with the United Kingdom and towards constitutional independence ; they indicate also the strength of feeling which lay behind the successful demands made by the Dominion Ministers, both in the Imperial War Cabinet and in the Peace Conference, that their new status should receive definite and complete recognition. In 1914, the Dominions were—in a sense—nations, but they were definitely subordinate nations. The extent to which the War stimulated their sense of nationhood is shown in their demand in 1917 for an " *increasingly* " *equal status.*" In 1919, the uncertainty and diffidence indicated in this phrase had vanished, and into its place had

[1] Italics in each case added to original.

stepped the bold demand made repeatedly and successfully by the Dominions for a recognition of their "*absolute equality of nationhood.*"

By virtue of the developments which have taken place between 1917 and the present day, the British Commonwealth of Nations has arrived at the end of the process set in operation with the publication of the epoch-making Durham Report in 1839. Step by step the limited Responsible Government conceived by Durham has grown into the present absolute and unlimited Responsible Government. But the consummation of this great process has raised difficult problems which call urgently for solution. These problems may be grouped under three main headings: (1) The Problem of Dominion Status; (2) Machinery of Co-operation; (3) The relation of the British Group to the League of Nations.

(1) The core of the problem of Dominion status is how to reconcile the "*absolute* equality of nationhood," and the constitutional independence, demanded by the Dominions, with the maintenance of the formal unity of the Empire, which is equally desired by them. Equality of nationhood has been recognised in principle, but its full realisation depends upon the making of a number of important changes in the constitution of the Empire, and upon the solving of many difficult problems.

(2) The second problem is the nature and form of the machinery of government required by the Group of equal states to deal with their common problems. Here, the first great question to be decided is whether the equal nations of the Group shall provide themselves with this necessary common government by surrendering a portion of their constitutional independence to an imperial federal super-state, or whether they shall decide to remain a group of autonomous nations settling their common problems by the method of co-operation. If they decide, in accordance with the view expressed in the Constitutional Resolution passed by the Imperial War Conference in 1917, to adopt the second course, they will be faced with the necessity of providing (to quote the words of the Resolution) "effective arrangements for "continuous consultation in all important matters of common

" Imperial concern, and for such necessary concerted action, " founded on consultation, as the several Governments may " determine." This will involve an extensive development of the present rudimentary machinery of co-operation (the quadrennial Imperial Conference, and a second body, practically equivalent to the first in composition and functions, the annual " Imperial Cabinet"), with the object of making consultation between the Governments both continuous and personal, and of securing effective concerted action. Since the peoples of the British Commonwealth desire to co-operate throughout the whole field of their every-day relations, it will involve in the second place a large extension of the Subsidiary Conferences between Ministers charged with particular functions of government (for example, education), and of the joint bodies for administration, and for investigation or research, which in the last decade or so have become an important though little known feature of inter-Imperial relations. In the third place, it will involve a consideration of the suggestions which have been made from time to time, that the Conferences between Governments should be supplemented by the building up of some wider popular body, taking the form perhaps of a Conference of Parliaments.

(3) The third problem is that of the relation of the British Group to the wider League of Nations, including the questions of the status of its members in the League, the functioning of the Group in the League, and the question as to how best the Group may promote the cause of international government and world-unity. In this connection it will be necessary frankly to consider the question whether the vast framework of international government (consisting not merely of the great conference organs, but also of the network of joint bodies already mentioned) which has been built up by the British Commonwealth, is likely to assist, or to clash with and hinder, the machinery of the League. In other words, it will be necessary to consider whether the British Commonwealth should be regarded as a rival to the League, or whether its function should be rather to assist the development of the League by acting therein as a pioneer of internationalism, by utilising, that is, its *maximum capacity* for international

co-operation (due to the fact that it is an intimate group of kindred nations) as a means of raising the *minimum capacity* of the all-inclusive League.

One thing that cannot fail to strike anyone who reads the discussions which have taken place in recent years between the statesmen of the Dominions and of the United Kingdom on the question of the future government of the Empire, is that these statesmen make constant reference to history, and continually emphasise the fact that the present organisation of the Empire, and the problems of government presented by it, cannot be understood unless they are studied in the light of their historical development. Not only is the constitution of the British Empire the result of a long historical growth, but it depends, even more than the British constitution, on unwritten conventions, delicate adjustments and verbal understandings, which are practically unintelligible to anyone who has not studied their development. Hence if we are to understand this constitution, we must look, not so much in the stony face of the law, but in the minds of the people who make the constitution work. But historical study is just as necessary for an understanding of the ideas of the people, as it is for an understanding of the real meaning underlying the outward forms of institutions.

When we speak of the historical sense of the British peoples, we do not mean necessarily that they have a detailed knowledge of past history, but rather that they have a strong sense of continuity. The reason for approaching the Imperial problem by the avenue of history is that the common man thinks of this problem to a large extent in terms of history. This is especially true of the peoples of the Dominions. Generally speaking they show a far keener sense of the historical tradition of the British Commonwealth—that is, of the road whereby it has reached its present position—than is shown by British people. This is due to the fact that the problem of government in the British Commonwealth was created by, and is conditioned by, the national development of the Dominions. The people of the United Kingdom have been on the whole merely passive spectators of the growth of Responsible Government. They have been, in a sense,

out of the current of the Empire. It is not *they* who have crossed the seas; who have realised what distance means to the Empire; who have seen the conditions and studied the problems of the new lands; who have taken an active part in the development of Dominion nationhood. Thus, in a sense, the people of the Dominions are in a better position to understand the Imperial problem and to see the conditions of its solution than are the people of England. Yet to the people of the Dominions, Dominion nationhood has been in a way a thing too obvious to be commented upon, a thing which, filling the day like sunlight, and being the medium through which other things are seen, tends itself to remain unstudied. It has been left, therefore, to English historians to "discover" the significance of Dominion nationhood, and if they have not at all points understood it aright, they have the excuse that they have studied it as distant spectators.

What then are the requirements of the historical approach to this problem? In the first place we must study the history of ideas as well as of institutions. It is only when we study the way in which successive generations in England and in the Dominions have viewed the institutions of the Empire step by step with their development, that the real significance of these institutions begins to loom out. In the second place we must study the development and interaction of *all* the main strains of thought as to the nature and solution of the problem. Too often, those who have written on the history of the Empire in the last century, have merely turned to its history in search of confirmation for their particular ideas with regard to its proper organisation. Even when they have studied ideas, they have paid undue attention to one particular stream of thought—for example, the growth of ideas in favour of a centralised government. Other opposing streams of thought have been damned by the free use of such terms as "Little Englander," or by the more subtle and effective method of ignoring their existence. Yet, to ignore their existence, or to fail to study and to understand their real meaning, is merely to shut out something which is absolutely essential to a complete understanding both of the problems which now confront the British

Commonwealth, and of the mind-content of the peoples who are seeking solutions of these problems. A close examination of the so-called separatism of the late Victorian period, reveals the fact that behind its clumsy use of terms there was a far higher appreciation of the real nature of the Empire as an intimate group of free states, than can be found in the writing of the Imperialists, either of that, or of the succeeding generation. It is the essential ideas of the so-called Little Englanders—ideas now purified and more definitely expressed, so that they no longer have the taint of separatism—that have on the whole won the mind of the common man, both in England and in the Dominions.

Hence the fact that the movement towards Imperial Federation, which sprang up in the latter half of the Nineteenth Century on the ruins of an older movement towards centralised union, has ended in failure, is no reason for neglecting it. It has played a part, both positively and negatively, not only in the making of the mind of the present generation, but also in the development of the institutions of the Empire. For, generally speaking, institutions may be said to be the result of a conflict of ideas. The exact form which an institution takes may appear to be largely the result of accident. This does not necessarily mean that the conflict of ideas was not the real motive force behind the action taken, but rather that when suddenly brought down to the test of facts, that is, when called on to deal with a definite situation, ideas are wont to be twisted out of recognition; and the institution which emerges may take a form neither expected nor foreseen by those taking part in the conflict of ideas which led directly to its creation. Thus, the discussions with regard to the future government of the Empire in the latter half of the Nineteenth Century, led to a result which was not foreseen by those who partook in these discussions—that is, the discovery and development of the new method of international government by means of regular conferences between governments. But it is this very failure to forecast the new development, and to understand it when it had begun, which makes it impossible to realise the true significance of the Colonial Conference of 1887, unless

we study it in relation to the conflict of ideas out of which it unexpectedly emerged.[1] Institutions are thus, in a sense, expressions, not merely of the ideas which are accepted, but also of the ideas which are rejected ; and the former are only intelligible in the light of the latter. It is therefore impossible to understand the real significance of an idea, or of an institution, unless we study the rejected ideas and expedients which mark the line of its advance. Thus, the development of the Imperial Conference, and of the ideal of co-operation which it embodies, cannot be understood without tracing the history of the rival idea of Imperial Federation, which has been rejected time after time during that development. Indeed no analysis of the ideas expressed by such terms as Imperial Federation, Imperial Co-operation or Britannic Alliance, Colonial Nationalism and the like, can have much value, if it does not see them constantly as the result of discussions,

[1] Reference may be made here to the controversy between Imperial Federalists and their opponents with regard to the part played by human reason in the development of human institutions. (See Curtis, *Problem of the Commonwealth*, pp. 223–34. Pollard, *The Commonwealth at War*. (The Creighton Lecture.) Cf. also replies by Prof. Ramsay Muir and others in *History*, Jan., 1917). Confident of their power to predict the future development of Imperial institutions, and of their ability to plan and to construct the elaborate framework of an Imperial federal super-state, the Federalists are impatient when their opponents warn them that Imperial institutions must *grow*, and that any attempt to devise a " cut and dried scheme " is dangerous. In reply it is urged that the federal Constitutions of the United States and of the Dominions, and the Acts which brought about the Union of England and Scotland, and of England and Ireland, were cut and dried schemes, and that the history of the English peoples thus affords a number of precedents for the drawing up of a cut and dried scheme of Imperial Federation. But there is an assumption here which appears to have no real justification. Because the British peoples in some instances have shown themselves confident that they now have sufficient knowledge and experience to sum up in elaborate federal constitutions the centuries of experience with regard to the problem of *national* government gained by the English people—not by the method of drawing up elaborate schemes to bind the future, but rather by applying their reason to the solution of particular problems as they arose—it cannot safely be argued that therefore the British peoples will show, or ought to show, in the near future, a similar confidence in their ability to sum up their short experience of the problems of *international* government in the relative finality of the constitution of an Imperial federal super-state.

beginning almost as soon as the first English settlers landed on the unexplored coasts of Virginia, and continuing with scarcely a break right up to the present day.

The fundamental fact which must be kept in mind in studying the relations between the United Kingdom and the Dominions, is that out of the bosom of a single British state there has evolved, in the course of a century and a half, a group of equal and autonomous states. It is with this evolution, and the problem of international government which has thereby been created, that the following pages are concerned. How important the study of this evolution is to all students of political science, it is hardly necessary to emphasise. Its importance and its peculiar interest lie in the fact that it shows the problems both of national and of international government in the most vital and intimate relationship, and therefore reveals with exceptional clearness the real nature of these two complementary fields.

In their early stages, the English Colonies in America were merely outlying overseas portions of the British state, inhabited by " Englishmen across the seas." But the totally new conditions in which the Colonists found themselves, and their immense distance from the centre of that state, called for the fullest development of the traditions of self-government which they had brought with them from England. The growth of self-governing institutions, and of a new community spirit in the Colonies, involved a gradual transformation of the old relation between outlying provinces and the centre of the state. What was really happening was that a new state, or a group of new states, was growing up inside the shell of the original British state, and that the Colonists were, in fact, ceasing to be citizens of England, and were becoming citizens of Massachusetts or Virginia, or were about to become citizens of a new American federal state, which had been foreshadowed even as early as the Seventeenth Century.

The American War of Independence, the greatest disaster in English and perhaps in American history, was due to the failure on both sides to recognise the real significance of this development, and to take the necessary steps to render as easy and as frictionless as possible the transition from subject

provinces to an American federal state, autonomous, but closely grouped with the parent community. Of all the European states—France, England, Spain, Portugal and Holland—which lost empires in the fatal sixty years from 1760 to 1820, England alone was immediately given a second chance; and this time, first with the Canadian group of colonies, and later on with the Australian and South African groups, she succeeded in making, without a disastrous secession, the extraordinarily difficult transition between outlying provinces of a central state and autonomous daughter states. It was the gradual application of the principle of Responsible Government which made the transition possible. Responsible Government was at first intended to give merely a limited and local autonomy, the Colonies remaining dependencies as regards "Imperial" matters. But the great political wisdom shown by Britain in refraining from rigidly limiting the scope of Responsible Government, made it possible for the Colonies, as they gradually matured, to take over, one by one in accordance with their needs, the powers originally reserved by the British Government as "Imperial" in character. The important stages in the development of the various groups of colonies to autonomous states were: the original grant of Responsible Government; the establishment of national federal governments; and the successive declarations made, both before and after federation, of the constitutional right of the Dominions to exercise the functions necessary for their national development.

During the period of their immaturity, the United Kingdom has acted towards the Dominions in accordance with the conception of a mandatory state, which has become popular during the last few years. Until recent years, the United Kingdom has made herself responsible, in a large measure, for the external defence of the Dominions (and in the earlier stages for their internal defence also); has conducted the more important of their foreign relations, usually in consultation with them; has aided them with advice on constitutional questions during the earlier stages of their political evolution; and has assisted them in their economic and social development by securing to them an abundant supply

of relatively cheap credit, and by providing them with a large proportion of the experts required for the building up of their educational, professional and industrial organisations.

The national evolution of the Dominions created in the Empire a problem of international government. As the breach in the British state, caused by the development of the groups of outer provinces into autonomous federal states, began to widen out, it became increasingly apparent that some method would have to be devised to deal with the relations between England and her Colonies—relations which, though this was not at first recognised, were becoming international in character. The method which was increasingly adopted in the first two decades after the federation of Canada in 1867, was that of settling the relations between the United Kingdom and the Dominions by means of intermediaries, such as Agents-General, High Commissioners, or the Colonial Governors. This was merely a variant of the ordinary method of diplomacy, a method which was obviously insufficient for the growing needs of this group of kindred states. The general anxiety to prevent the Empire falling into the anarchy which characterised the relations of ordinary independent states, led to elaborate discussions as to the best method of solving its problem of international government. Such contemporary opinion as was articulate, almost unanimously settled upon Imperial Federation, or the method of an international super-state, as the best means of dealing with this problem. But when in 1887 it became necessary to take some practical step, it was not the method of the super-state which was adopted, but a new rival method which had hardly figured at all in the contemporary discussions of the Imperial problem. Although it was hardly recognised at the time, the Colonial Conference of 1887 was, in fact, the first stage in the discovery and elaboration of the new method of international government by means of regular conferences between Governments.

This Conference had been partially an expression of the colonial conception of the relation between the Dominions and the United Kingdom as that of an "alliance" between

autonomous states; but as the Imperial Conference[1] developed, it became apparent that the word "alliance" very imperfectly expressed the real nature of this relationship. Being a word which is normally used to describe a limited and temporary contractual relationship between states, it gives a thoroughly misleading conception of the natural and organic relationship which exists between the group of kindred states now becoming known as the British Commonwealth. Almost at once, the Imperial Conference revealed itself as the organ of a group of states, which were not bound together by any mere single-plank alliance of the ordinary type, but were bent upon co-operating in the most intimate manner throughout the whole field of international relationships. The Imperial Conference has, in fact, been working out a new conception of the state, as an organ which should exist, not for the purpose of sundering peoples, but of enabling them to overcome the obstacles, both natural and artificial, which normally would prevent them from assisting each other to the utmost of their abilities in the living of a full life.

Thus, step by step with the development of this new method of international government—that is, of the Imperial Conference, and of the network of subsidiary organs of consultation and co-operation which have sprung up around it—there has grown up a conception of the Empire, expressed very imperfectly in the term "Imperial Co-operation," which has so far successfully withstood the challenge of the rival conception commonly expressed in the phrase "Imperial Federation." The first conception is that of an intimate group of autonomous states co-operating together throughout the whole field of international relationships; the second is that of a federal super-state, limited in its operations to a small and sharply defined sphere of inter-Imperial relations, but exercising within these limits supreme authority.

We may sum up, therefore, by saying that the grant of

[1] The term "Imperial Conference" strictly applies only to the meetings after 1907, in which year it was substituted for the older term, "Colonial Conference." The general application of the term "Dominion" dates from the same year.

Responsible Government was the starting point of two parallel and complementary developments, which run like two great mountain chains through the history of the British Commonwealth in the last three-quarters of a century. These are: (1) the growth of Dominion nationhood, (2) the building up of the machinery of international government required by the Group for settling the common concerns of its members. Both these developments have been greatly accelerated by the events of the War. On the one hand, the more important of the remaining marks of Dominion dependence have been swept away; and on the other hand, the machinery of co-operation, as represented by the Imperial Conference and its subsidiary organs, has been much developed and improved. The problems which remain to be solved have already been stated at the head of this chapter. The two great problems—the problem of reconciling absolute equality of nationhood with the formal unity of the Empire, and the problem of developing adequate machinery of co-operation—now stand out in their true relationship to history, as the rounding off and completion of the two chief developments traced in this brief survey.

The solution of these two problems depends, not so much upon the discovery of some new method or expedient of government, as upon our ability to discern and to follow out the true line of historical development. On the one hand, we must discover and carry to its logical conclusion the method whereby Dominion autonomy and Imperial unity have already for a long period been successfully reconciled; on the other hand, we must follow and construct into a broad highway the track blazed out by the Imperial Conference.

CHAPTER II

THE OLD COLONIAL SYSTEM AND THE COMING OF RESPONSIBLE GOVERNMENT

I. THE OLD COLONIAL SYSTEM AND THE AMERICAN REVOLT

FROM the moment when Colonies were first discussed in the Sixteenth Century, the question of their relationship to the Mother Country arose. During the earlier half of the Seventeenth Century in England, there were two rival theories as to the nature of the colonial relationship. One theory regarded Colonies as merely detached pieces of the realm of England, and Colonists as English citizens, who, by going to an overseas portion of the realm, did not lose any of the rights they had possessed in England, although distance might prevent them from exercising some of these rights. To this theory appeal was frequently made by the Colonists, when they protested against any act of oppression on the part of the English Government. Witness the report of a Colonial Governor at the end of the Seventeenth Century. Some gentlemen of the Council, he says, expressed "great discontent at the Acts of Navigation, which restrained "them from an open free-trade to all parts of the world. "They alleged that they were as real Englishmen as those "in England, and thought they had a right to all the privileges "which the people of England had. That the London "Merchants had procured those restraining laws to be made "on purpose to make the people of the plantations to go to "market to them."[1]

[1] Egerton, *Short History of British Colonial Policy*, p. 124.

The Navigation Laws thus complained of, were the chief expression of the second theory of colonial relations, which gradually triumphed over the first during the latter portion of the Seventeenth Century. According to this second theory, colonies were to be regarded as "foreign plantations," developed by the Mother Country for the purpose of supplying her with raw materials, and of providing markets for her manufactures—Mother Country meaning in this connection "the London merchants," or any other body of "His "Majesty's trading subjects" who could get the ear of Parliament. One of the best expressions of what Adam Smith called "that baleful spirit of Commerce that wished to "govern great Nations on the Maxims of the Counter," occurs in a paper in the Record Office dated 1726.[1] "All "advantageous projects or commercial gain in any Colony "which are truly prejudicial to, and inconsistent with, the "interests of the Mother country, must be understood to "be illegal and the practise of them unwarrantable; because "they contradict the end for which the Colonies had a being." In accordance with these ideas regulations were made which confined trade in the staple products of the Colonies to England, or forced it to pass through English ships and English ports; and, in the second place, the monopoly of the American market was assured to British manufacturers by suppressing competing colonial industries. But it would be a complete mistake to imagine that the advantage of this system was all on the side of England. The Colonists benefited in two ways. In the first place, they were given the monopoly of the English market for their chief raw products, and, in the second place, their defence against external enemies—France, Spain and the American Indians—was assured by Great Britain. But assurance of defence and preference in the English market were no compensation to the Colonies for the loss of liberty and the denial of responsibility which these privileges entailed.

The Colonies were by no means prepared, however, to accept in practice the position of permanent subordination

[1] *Ibid.*, p. 72.

to which the Mercantile System thus relegated them. "The "normal current of colonial history," wrote Sir C. B. Adderley in 1869, "is perpetual assertion of the right to self-govern- "ment."[1] As soon as the Colonies were well established, Assemblies sprang up naturally and inevitably. In Virginia, says the old historian Hutchinson, in famous phrase, a "house "of burgesses *broke out*" in 1620, and in Massachusetts Bay "a house of deputies appeared suddenly in 1634."[2] The appearance of these bodies was the most striking sign of the growth of a new factor for which the current legal theory of British supremacy had left no room. Gradually, as the settler built up a new corporate life in his colony, he was ceasing to be, in fact, an English citizen. He was becoming a citizen of Virginia or of Massachusetts or of some other Colony. With this change there grew up in the Colonies a new view of the colonial relation. Assertions of British supremacy were met with counter-assertions of the virtual independence of the Colonies. More fortunate than Ireland, which having the misfortune to be on the wrong side of the Atlantic was close enough to England to enable the doctrine of British supremacy to be put into full operation, the Colonists were able, on the whole, to maintain their virtual independence in internal concerns. They denied the right of the English Parliament to tax them or to exercise legislative authority over them (except, most illogically, with regard to their external trade) on the ground that their Assemblies were co-ordinate with, and not subordinate to, the English House of Commons. As Adam Smith pointed out in the *Wealth of Nations*, "The leading men of America" were fond of calling their assemblies "Parliaments," and of considering them "as equal in authority to the Parliament of Great "Britain."[3] But this was directly contrary to the legal and official view as set out by a contemporary constitutional authority. "The Governor, council, and assembly in every "American colony is a subordinate legislature subject to

[1] *Review of the Colonial Policy of Lord John Russell's Administration, etc.*

[2] *History of Massachusetts Bay*, 1765, Vol. I, p. 94.

[3] Bk. IV, Ch. VII, Pt. III.

"the control of king and parliament, who are supreme over "all the British Empire."[1]

And it was this legal view of the situation which was adopted by the legally minded Grenville, when, in despair of inducing the Colonies to provide for their own defence, he committed England to a policy of taxing them by carrying through the Stamp Act in 1765. Such a doctrine, no longer left undisturbed in the dusty law-books, but brought out into daylight and resolutely insisted on by the British Parliament, could have but one issue—the American Declaration of Independence.

The Stamp Act was the worst blunder in English history. Nothing could have been better calculated to obscure the real issue, and to put England hopelessly in the wrong. The difficulty which the Stamp Act was an honest but futile attempt to solve, arose out of a defect in the English method of colonisation. This defect may be seen if we contrast the French and the English methods of colonisation, as shown side by side in North America. The essence of the French method was action by the state. The French State founded, maintained, and regulated the colony of Quebec, and above all gave it a strong central government, able to provide for defence and to win the friendship of the Indians by insisting that they should be fairly treated by the colonists. English colonies on the other hand were founded, not by the state, but by the action of individuals and of groups, which, acting independently of each other, established a number of small self-governing communities. All the English State did was to hold the ring, to keep external foes at bay until the colonies had a chance to establish themselves. The communities thus founded, showed a vigour and a power of adaptation which was almost completely lacking in Quebec. But whereas the defect of the French method was over-centralisation, the defect of the English method was lack of sufficient centralisation. As a means of dealing with purely local

[1] Stokes: *Constitution of the British Colonies*, quoted in Lewis: *Government of Dependencies* (1841), p. 301. Cf. the exclamation of Dr. Johnson that the American Assemblies were "no more than our vestries."

affairs, the small self-governing colony was a perfect instrument; but it was quite incapable of dealing with affairs which concerned all the colonies, such for example as their relations with England, with the French and Indians, or their commercial relations with each other. These were American affairs, and though during the infancy of the Colonies they might be managed by the British Government, such external management could be persisted in only at the expense of demoralising the Colonists, and ruining the English taxpayer. As a result of experience since gained in the building up of national Governments in Canada, Australia, and South Africa, we can see quite clearly now what was only dimly seen in 1765—that the only means of settling the problem which the Stamp Act so disastrously attempted to solve, was to establish an American Government able to deal with affairs which, being common to all the Colonies, were therefore beyond the control of any one of them. A national American Government having been established, it could have proceeded to solve, with the aid of England, the second great problem which we are only now solving—that of providing some machinery of government to deal with the relations between England and America.

To have discovered in the 18th century a solution of both these interdependent problems, would have been an astounding achievement. But unfortunately the crisis revealed only mediocre statesmanship in England and America. We can see now the measures which English statesmen should have taken. They should have thrown the responsibility for defence more and more on the Colonists, teaching the doctrine of responsibility even at the cost of American lives; and on the other hand they should have encouraged by every means in their power, by the promotion of conferences and so forth, the formation of a national American Government. For a moment they saw the right path. The threat of an Indian and French War, involving probably appalling consequences to the disunited British Colonies, induced the British Government to summon representatives of the Colonies to the Albany Conference which met in 1754. The conference decided that "a union of the colonies is absolutely

"necessary for their preservation": and adopted a scheme of Federation which was submitted to them by Benjamin Franklin.[1] The plan was, however, rejected by all the Assemblies, and the war which came in 1755 found the Colonies leaning as before on England for a large proportion of the money and men needed to hold their frontiers against Indians and French. After ten further years of disunity, the English Government gave up hope of inducing the Colonies to provide for their own defences out of their own resources. The Stamp Act was a sign of the abandonment of the policy of 1754, and of the adoption of a new policy of *divide et impera*—that is, of discouraging American unity, and forcing the will of the English Government on the American people.

Separation brought the Colonies face to face with the dilemma, either a national government or anarchy. In 1787, four years after the close of the War of Independence, they formed the great federal government of the United States. The problem of national government was thus settled. The international problem—the problem of creating some machinery of government to settle the relations between the United States and Great Britain—began to be settled with the formation of the League of Nations in 1919.

In the light of our present experience it is interesting to glance at the numerous plans for dealing with the American problem which were set forth in scores of books and pamphlets published between 1750 and 1780, and also in unpublished papers. Despite the fact that great statesmen and thinkers —Chatham, Burke, Adam Smith, Franklin and others— took part in the discussion on both sides of the Atlantic, the two fundamental issues remained confused, and were nowhere set out clearly and in their necessary interdependence. There are scarcely the faintest traces of anything like the modern conception of a British Group of States, composed of a number of federal states co-operating together by the method of conference. There is no trace at all of the modern conception of Imperial Federation—the idea, that is, of a

[1] Reprinted in Egerton: *Federations and Unions in the British Empire*, pp. 114–120.

federal super-state, governed in Imperial as distinguished from national matters by an Imperial Parliament representing each part of the Empire.

The plans which received most attention were schemes for Imperial Union rather than Imperial Federation, and were based upon the idea already referred to that the Colonists, as British citizens living in an outlying portion of the British realm, should receive representation in the British Parliament. The most thoroughgoing scheme of Imperial Union was that elaborated by Adam Smith in the *Wealth of Nations* published in 1776. He was prepared to carry the idea of a unitary British state to its logical conclusion, and to abolish the American Assemblies, just as the Scots' Parliament had been abolished in the Union of England and Scotland in 1707. If this proposal had ever come before the American Colonies, it is impossible to think that any of them would have dreamed of accepting it. Even the milder proposal, frequently made in England and America, to give the Colonists representation in the House of Commons, but to leave their Assemblies intact, was opposed by public opinion on both sides of the Atlantic. What the unreformed House of Commons, built up as it was upon bribery and the rotten borough, meant to observant Americans may be gathered from the caustic comment made in 1768 by Benjamin Franklin on an English General Election. "In short the "whole venal nation is now at market, and will be sold for "about two millions, and might be bought . . . by the "Devil himself."[1] It is hard to believe that the giving of a minority representation to the Colonists in such a Parliament, would not have created many new problems and solved none of the old ones. As a method of bringing the two conflicting parties into touch with each other, and inducing them to see each other's difficulties, it was much inferior to the method of conference between Governments and Legislatures, which had borne such promising fruit at the Albany Conference in 1754.[2]

[1] Works, Vol. VII. Quoted by Egerton: *Colonial Policy*, p. 189.

[2] For a convenient summary of the more important of the suggestions for the solution of the American problem, cf. Burt: *Imperial Architects*, pp. 1–102. Cf. also Curtis: *Commonwealth of Nations*, Ch. VI.

That there was at least one man who, even in the Eighteenth Century, had caught a glimpse of the right way out, is shown by the remarkable letter written to Lord Dorchester, the Governor-General of Canada, by William Smith, the Canadian Chief Justice, in which the latter suggested certain additions to the Canada Bill of 1791.[1] What he proposed for the Canadian Colonies, as the only possible means of avoiding in Canada a repetition of the American Revolt, was in effect the establishment of a national federal legislature (but not, however, a responsible executive) which was to be " a Partner " in the Legislation of the Empire." Referring to the American Colonies, he wrote as follows :

" To expect wisdom and moderation from near a score of " Petty Parliaments, consisting in effect of only one of the " three necessary branches of a Parliament, must, after the " light brought by experience, appear to have been a very " extravagant Expectation. So it has been to my view " above twenty years, and I did not conceal it.

" My Lord, an American Assembly, quiet in the weakness " of their infancy, could not but discover in their Elevation " to Prosperity, that *themselves* were the substance, and the " Governor and Board of Council mere shadows in their " political Frame. All America was thus, at the very outset " of the Plantations, abandoned to Democracy. And it " belonged to the Administrations of the days of Our Fathers " to have found the Cure, in the Erection of a Power upon " the Continent itself, to control all its own little Republics, " and create a partner in the Legislation of the Empire, " Capable of consulting their own safety, and the common " welfare."[2]

[1] Cf. Sir Charles Lucas : *A History of Canada*, 1763–1812, pp. 255–261.

[2] Smith to Dorchester ; in Keith : *Selected Speeches and Documents on British Colonial Policy*, 1763–1917, Vol. I, pp. 101–105.

II. THE COMING OF RESPONSIBLE GOVERNMENT

The result of the American War of Independence meant the triumph of the principle of subordination, both for the Canadian provinces which were left over from the old Empire, and for the new Colonies added by settlement or conquest during the building up of the new Empire in the next half century.[1] The lesson learned from the successful revolt of the American Colonies was, not that colonies should be given more freedom, but rather that the net should be drawn more tightly about those that were left, lest they too should seek to escape. To the followers of Bentham, and to those Whigs who cared somewhat for liberty, the revolt seemed a justification of Turgot's remarkable prediction made many years before. "Colonies are like fruits," he had said; "they cling to the mother-tree only until they are ripe." Moreover, the great trade which soon sprang up between the United States and England seemed a striking confirmation of Adam Smith's argument that "Great Britain derives "nothing but loss from the dominion which she assumes "over her colonies."[2] All this seemed to point to the conclusion suggested in Bentham's phrase, "Emancipate "your colonies."

But lovers of liberty were not in power, and the triumph of reaction in England following upon the events of the French Revolution, meant the triumph of reaction in English colonial policy. The liberal opinion expressed by Fox in the debates on the Canada Bill in 1791: "I am convinced "that the only means of retaining distant colonies with "advantage is to enable them to govern themselves," found little support in the colonial policy of the next half century. Before 1776 the consistent policy of the English Government had been to grant local legislatures to all colonies except

[1] Australia settled 1788 ff; Cape Colony acquired during the Napoleonic War; New Zealand annexed in 1840; etc.

[2] *Wealth of Nations*, Bk. IV, Ch. VI, Pt. III.

those acquired by conquest.[1] But the breaking away of the American Colonies had discredited this wise policy. "Since the close of the American War," wrote Cornewall Lewis in 1841, "it has not been the policy of England to "vest any portion of the legislative power of the subordinate "government of a dependency in a body elected by the "inhabitants. The only partial exception is in the Canadian "provinces."[2] This denial of representative institutions was accompanied by the attempt on the part of England to govern the Colonies, even in the petty concerns of their domestic life, from Downing Street. The system of government thus established was, as Sir William Molesworth put it, from the very nature of things, "an invariably weak and "ignorant despotism."[3] The frequent changes of the political head of the Colonial Office led in practice to government by the permanent officials, and in the famous picture drawn by Charles Buller "The Mother Country" resolves finally after investigation into "Mr. Mother Country," an obscure clerk in a back room of the "Office."

But the absence of representative institutions was not the only source of difficulties in the Colonies. It was just in those Colonies which possessed representative government that the greatest trouble had arisen. This was not due to any defect in the principle of representation itself, but to the defective form in which representative institutions were normally granted. In such Colonies, legislative power was vested in the Governor appointed by the Crown, a Legislative Council nominated by the Governor, and an Assembly elected by the people. Executive power, on the other hand, remained wholly in the hands of the Governor, who was assisted by an Executive Council chosen by himself and responsible to him alone. Whilst representative without responsible government was probably a necessary preliminary stage in the constitutional evolution of most of the Colonies, its necessity had long since disappeared.

[1] See Grey: *Colonial Policy of Lord John Russell's Administration* (1852), appendices.

[2] *Government of Dependencies*, p. 160.

[3] *Speeches*, Edited by Egerton, p. 202.

It was over the principle of the responsibility of the executive to the elected legislature, that the greatest battles in the history of the English constitution had been fought. By the end of the Eighteenth Century, and largely as a result of the failure of George III. to coerce the American Colonies, the principle had been established in England. But in the Colonies the Assemblies had still to fight a long battle lasting into the middle of the Nineteenth Century, before they were able to secure in full measure the recognition of the principle of ministerial responsibility. When Lord Durham was sent in 1838 upon his famous mission to Canada to investigate the state of affairs which had culminated in petty rebellions in the two main provinces, he found one of the main causes of turmoil to be the lack of this principle of responsibility. "It may fairly be said," he reported, "that the natural "state of government in all these Colonies is that of collision "between the executive and the representative body. In "all of them the administration of public affairs is habitually "confided to those who do not co-operate harmoniously with "the popular branch of the legislature." [1] However much the majority of the Assembly might dislike the policy of the Ministers, it had no power to dismiss them. But it did have unlimited power to harass them at every turn. Representative without Responsible Government was, as Charles Buller put it, like a fire without a chimney. The system involved perpetual minority government; it meant, said Joseph Howe, the great Nova Scotian leader, in a phrase intelligible to English politicians, government by "the "opposition of the Commons." [2]

The only way out of the chaos inevitably produced by such a system, was that suggested by Durham. "Every "purpose of popular control," he wrote, "might be combined "with every advantage of vesting the immediate choice of "advisers in the Crown, were the Colonial Governor to be "instructed to secure the co-operation of the Assembly in "his policy by entrusting its administration to such men as "could command a majority; and if he were given to

[1] *Report*, Edited by Lucas (1912), Vol. II, p. 73.

[2] Egerton and Grant: *Canadian Constitutional Documents*, p. 239.

"understand that he need count on no aid from home in "any difference with the Assembly, that should not directly "involve the relations between the Mother Country and "the Colony."[1]

III. THE PRINCIPLES OF RESPONSIBLE GOVERNMENT

The essential features of Responsible Government as stated by Durham, and afterwards elaborated by Buller, Wakefield, and Molesworth, were the division between imperial and local matters, and the giving over of the latter without reserve into the hands of the colonial legislature. Matters thus given over were to be administered by an Executive responsible to the Assembly. Imperial concerns on the other hand were to be retained absolutely in the control of the British Government; and in regard to these matters the Colonies were to remain mere dependencies. In accordance with this twofold division of powers, the functions of the Governor were to be dual. As regards Imperial matters he was to remain an Imperial officer responsible to the British Government, but as regards domestic affairs he was to assume a rôle comparable to that of a constitutional monarch.

Simple and obvious though they may appear in the light of after events, these proposals involved a revolution in English colonial policy—a revolution so great that its full extent was hardly revealed to even the most far-seeing contemporary statesmen. In England the Report caused much questioning, and not a little misgiving. The prevailing pessimism and incredulity was well expressed in the *Quarterly Review* for March, 1839. Durham's proposal is referred to as "This new and to us incomprehensible system of colonial "*connexion*: the Report calls it *connexion*—to our under- "standing it is absolute separation": the fundamental error of the authors is that "they forget, or choose to forget, that "Canada is a province—a colony."[2] This was a common criticism, and it was in a large measure justified. What

[1] *Report*, Edited by Lucas, Vol. II, pp. 279–81.

[2] Quoted in Mills' *Colonisation of Australia* (1915), p. 273 n.

the Report was, in fact, proposing, although its authors were not aware of the implications of their proposals, was a new system of colonial connexion, based upon the free consent of autonomous states, instead of upon the dependence of a province on a central government. The Report dealt a vital blow at the fundamental idea of the old colonial system that Colonies were provinces on the fringe of a great British State. What Durham's critics feared, was that the partial abandonment of this theory, involved in granting freedom in domestic concerns, would lead rapidly and inevitably to its complete abandonment. As they saw the situation, the Report promised to file the chain of colonial dependence three parts through, and then foolishly assured the British Government that the Colonies would refrain from using their new strength to break the remaining part.

These fears were shared by the British Government, who apparently accepted the view deprecated by Durham that the irresponsibility of the executive in a colony was a necessary "incident of colonial dependence."[1] Hence, for seven years from 1839 till the advent of Lord Grey to the Colonial Office in 1846, they strove desperately to prevent the adoption of Responsible Government as understood by Durham, and to preserve intact the old theory of the Colonies as subject provinces on the fringe of the British State. The only effective means which the British Government could employ to preserve the dependency of Canada, was the Colonial Governor. This official, therefore, became the centre of the struggle, and the record of the struggle is preserved in the despatches passing between the Governors-General and the Colonial Secretary. The view of the British Government as expressed by Lord John Russell, the Colonial Secretary, in a despatch to Lord Sydenham—the Governor-General sent to Canada ostensibly to carry into effect Durham's proposals—was that the Governor-General could not fulfil the rôle marked out for him by Durham: that is, he could not act in purely Canadian matters only upon the advice of Canadian Ministers, without becoming an "independent sovereign," and thus ceasing to be a subordinate

[1] *Report*, p. 79; cf. p. 280.

British official.[1] Sydenham carried out his instructions to the letter. Instead of acting as a constitutional monarch, he sought to combine the rôles of Governor-General and Prime Minister.

The pliancy of Sydenham's successor, Sir Charles Bagot, in virtually surrendering to the demand of the Assembly for the full adoption of Responsible Government, evoked a sharp reminder from Lord Stanley, the successor of Lord John Russell at the Colonial Office, that the position of the Colonial Governor-General in respect of his Ministers differed essentially from that of the Crown in relation to the British Cabinet. "The Crown," wrote Stanley, "acts avowedly "and exclusively on the advice of its ministers, and has no "political opinions of its own. You act in concert with your "Executive Council, but the ultimate decision rests with "yourself, and you are recognised, not only as having an "opinion, but as supreme and irresponsible, except to the "Home Government, for your acts in your executive "capacity."[2]

The strong-willed and faithful official required by the Colonial Office to carry out, in the teeth of the Canadian Assembly, this obvious caricature of Responsible Government as understood by Durham, was found in the person of Lord Metcalfe, the next Governor-General. By carrying out Stanley's instructions to the letter, despite the opposition of the Canadian Assembly, Metcalfe succeeded in making it clear that the only alternative to the full adoption of Responsible Government was a second disaster like that of 1776. Such a disaster was saved by the advent of Lord Grey to the Colonial Office in 1846, and by the introduction of Responsible Government in Canada, between 1847 and 1854, by the wisest and greatest of Governors-General, Lord Elgin.[3]

[1] Russell to Sydenham, Oct. 14, 1839; Egerton and Grant, *op cit.*, pp. 266–70.

[2] Despatch, Dec., 1842. Quoted in Morison: *British Supremacy and Canadian Self-Government*, 1839–54 (1919), pp. 152–3.

[3] For an excellent account of the critical fifteen years between 1839 and 1855, see Morison (*op. cit.*), who rightly describes them as "the "most important in the history of the modern British Empire" (p. 6).

The principle of Responsible Government in local matters having been settled, the development of Responsible Government entered upon a new phase. From 1850 to the present day, the centre of interest has been the question of the possibility of making a division between Imperial and local powers, and of retaining the former under the absolute control of the Imperial Government, thus denying anything more than a strictly limited autonomy to the Colonies. Assuming, as Durham assumed, that it was possible to make a division of powers, two problems presented themselves: (1) How was such a line to be drawn? (2) Where was it to be drawn? There were two possible solutions of the first problem: (a) A hard and fast line might have been drawn by the strongest and most durable instrument available, that is, an Imperial statute setting out in detail the precise limits of the powers to be exercised by the colonial legislatures. Or (b) the question might be left open: the line, instead of being fixed rigidly, might be left flexible, able to yield to the play of circumstance, and able to adapt itself with the utmost possible ease to the teaching of experience.

Here was raised a question of the greatest practical importance. To have settled it in the wrong way might have led to endless disputes imperilling the very existence of the Imperial connexion. And it has not always been recognised that there were perilous moments, when it was not at all certain that the wrong way might not have been chosen. Durham's ministerial experience made him very careful not to suggest the making of any hard and fast division, and the officials of the Colonial Office, following the line of least resistance, which was also in this case the line of the highest political wisdom, observed a similar caution. For once at least they showed themselves wiser than their severest and most effective critic, Sir William Molesworth. In 1850, at a time when, owing to the early deaths of Durham and Buller, he stood out in the House of Commons as the most eminent and influential authority on colonial questions, Molesworth made an important speech.[1] In this speech he

[1] Printed in Egerton: *Selected Speeches of Sir William Molesworth* (1903).

vigorously criticised the *Australian Government Bill* which was then under discussion, and moved certain amendments. One of his chief objections to the Bill, was that the constitution which it proposed to grant to the Australian Colonies did not define clearly those powers which a colony could not exercise without imperilling the integrity of the Empire. He had derived his conclusions from an exhaustive study of the division of powers in the United States Constitution, and had framed a complete draft Bill on these lines, which he circulated as an independent measure.[1] The analogy he drew between the United Kingdom and the Colonies, and the Federation and the States in the United States, was one that was frequently drawn at this period, and throws an interesting light upon the elementary nature of much of the contemporary thought upon the Imperial problem. His proposal was that the United Kingdom should possess all the powers, save taxation, which had been given to the Federal Government of the United States. "If it possessed less," he asserted, "the Empire would cease to be one body politic."[2]

Molesworth's experience of colonial questions had convinced him that the method of rigid definition was the only one suitable, and he was certain that he saw the very bed-rock of powers upon which alone Imperial unity could be securely founded. Yet if he had had his way, he would have chained up in an Imperial statute a number of powers which were afterwards discovered to be absolutely essential to the development of the groups of colonies, which have since grown into the great national Dominion of Australia. The adoption of this course would have meant that instead of a declaration of constitutional right (the method whereby the Dominions have achieved their independence) being met by the quiet surrender by the British Government of the right claimed, the declaration would have come into collision with an Imperial Statute, and would thus in all probability have produced a serious constitutional crisis. Although Molesworth's speech made a deep impression on the House, he failed to carry his point. After nearly seventy years of

[1] Fawcett: *Life of Molesworth*, pp. 270–1.

[2] *Speeches*, p. 391.

the working of Responsible Government, we can see now how fortunate was that failure. No man realised more keenly than he the value of the colonial connexion, and no one was more anxious to retain it ; and yet, if his will in this matter had prevailed, no man would have dealt it a harder blow.

This incident was not an isolated one. In 1855, a year after Molesworth's death, the *Victoria Bill*, sent home by the Colony to be enacted by the Imperial Government, attempted to separate and define Imperial and local powers. The Imperial Parliament, however, wisely refrained from adopting the suggestion, though Gladstone was strongly in favour of it.[1] Both incidents are well worth the study of those who at the present time are quite confident that they can see the " irreducible minimum " of powers which an Imperial Federal Parliament must possess, unless the Empire is to " cease to be one body politic," and who are therefore prepared to set up such a Parliament with rigidly defined powers.

IV. THE INSTABILITY OF RESPONSIBLE GOVERNMENT

The importance of this decision becomes clear when we pass on to the consideration of the second question raised : Where was the line separating Imperial from local powers to be drawn ? The prevailing view of the believers in Responsible Government was the view adopted by its inventors, the Colonial Reformers, namely, that it was possible to draw a permanent line, and that it was essential to the continuance of the connexion that such a line should be drawn. Thus they believed it to be essential that the Colonies should be given only a strictly *limited* autonomy. The freedom which they thought to give, was a provincial freedom, the freedom of a state within the United States. They had expected to find communities of Englishmen growing up on the outer fringes of a vast British State, and

[1] See Keith : *Imperial Unity*, p. 152.

content to live only the limited provincial existence to which the size of the Empire, and their distance from its centre, seemed to condemn them.

Even the fact that Durham when he first came to Canada had in mind a Canadian federation, and that Lord Grey, a few years later, actually attempted to impose a rudimentary federation on the Australian Colonies,[1] must not be taken to mean that they had any clear vision of the modern idea of a British Group of free and equal states. What they had in mind when they thought of such federations, was merely a kind of glorified provincial status. This is very clearly indicated in a passage in the Durham Report, which points out that one of the principal objections to a federation would be "that a Colonial federation must have, in fact, little "legitimate authority or business, the greater part of the "ordinary functions of a federation falling within the scope "of the imperial legislature and executive."[2] Imperial functions Durham defined as follows: "The constitution of "the form of government—the regulation of foreign relations, "and of trade with the mother country, the other British "Colonies, and foreign nations—and the disposal of the "public lands . . . A perfect subordination on the part of "the Colony, on these points, is secured," he suggested, "by the advantages which it finds in the continuance of its "connexion with the Empire."[3]

These passages are noteworthy, because they show how far wrong even the most far-sighted statesman might go in dealing with a problem of government in which there was little past experience to guide him. The idea of Responsible Government as involving nothing more than mere provincial status, and perpetuating British supremacy, could not be put more clearly. Yet the next three generations were to witness the successful claim on the part of the Colonies, as they grew into national Dominions, to exercise every one of the powers here denied them, and reserved, as if in perpetuity,

[1] In 1847–50, C. D. Allin: *Early Federation Movement of Australia*, pp. 58 ff.

[2] *Report*, Ed. by Lucas, II, p. 304.

[3] *Ibid.*, p. 282.

to the United Kingdom. In place of Durham's "perfect "subordination" there was to be put the "perfect equality" of to-day. We must not imagine that Durham was alone in his views on this point. They were accepted without qualification by his fellow Reformers, and by statesmen like Lord Grey, Lord John Russell, and others.[1] It has not, indeed, been sufficiently recognised that the Reformers and their disciples laid as much emphasis on the need of retaining Imperial powers, as they conceived them, in the hands of the Imperial Government, as they laid on the necessity of giving freedom to the Colonies in their domestic concerns.

It is necessary to study briefly the subsequent history of the powers enumerated by Durham as Imperial in character, and to trace the process whereby, step by step with the growth of colonial nationalism, the Colonies were forced to declare their constitutional right to exercise these powers as essential to their national existence.

About the desirability of retaining control of the public lands in the Colonies the Reformers were unanimously agreed, although Wakefield came to see later that this power could not be withheld permanently.[2] They had generous plans for finding in the Colonies a home and property for many of the people of England who had been robbed of their land by the enclosure movement, or who desired to escape from the virtual slavery of the new industrial system. But even these splendid visions could not prevail against the plain fact that to grant Responsible Government in domestic concerns, and yet to withhold the most intimate and vital of such concerns, would have been little more than a mockery. There was, in fact, no attempt to withhold power over public lands from the new province created by the Union of Upper and Lower Canada in 1840. Despite the fatherly rebuke of Lord Grey to the demand of the New South Wales Colonists in 1850 for full control over the revenue from waste lands, this power

[1] Cf. Molesworth, *ante*, p. 31. Wakefield: *Art of Colonisation*, pp. 312–3. Cf. also Lucas: *Durham Report* I, p. 146, II, p. 281.

[2] Durham, *Report*, II, 13, 207–8, etc.; III, 37. For Wakefield's later view see *Art of Colonisation*.

was soon after extended to this Colony, and to all other self-governing Colonies.[1]

There was even less difficulty over the question of "the "constitution of the form of government." The power claimed by Colonial Parliaments to alter their constitution was first granted in individual cases, and then conceded generally by the *Colonial Laws Validity Act*, 1865.

Far more difficult than either of these two, was the question of the control of trade, both foreign and inter-Imperial. This touched at the very heart of the old colonial system. Never had a mother country given to her colonies freedom to control their own trade relations. To have done so would have seemed to imply the destruction of the very essence of the colonial relation. If a mother country could not count on having a monopoly of her colonies' raw products and markets, what on earth could be the use of keeping these colonies? The ideas of the Mercantile System still dominated English colonial policy in 1840, though the Free Trade movement was steadily undermining these ideas. The principle of colonial preference, however, seems even to have increased in strength as its end drew near. In Peel's Tariff of 1842, colonial preference was largely extended. The Tariff contained about 825 items, "and upon more than 375 of "them differential duties were levied in favour of the "colonies." [2]

There was even a slight chance that in 1846 a compromise might have been made between absolute Protection and absolute Free Trade, by establishing an Imperial Zollverein with free trade within the Empire and a uniform tariff barrier against the rest of the world.[3] One of the strongest arguments which advocates of Free Trade had to meet in the debates of 1846, was that it meant the immediate dissolution of the

[1] Cf. *The Colonial Policy of Lord John Russell's Administrations*, by Lord Grey, Vol. II, p. 375. "The waste lands of the vast colonial "possessions of the British Empire are held by the Crown as trustees "for the inhabitants of that Empire at large, and not for the inhabitants "of the particular Provinces."

[2] *American Political Science Quarterly*, Sept., 1917, article by R. L. Schuyler on *British Imperial Preference and Sir R. Peel.*

[3] *Ibid.*

Empire. Lord Stanley, who had resigned his position as Colonial Secretary in Peel's Ministry on the question of Free Trade, urged this point of view strongly: "Destroy this "principle of protection, and I tell you in this place that "you destroy the whole basis upon which your colonial "system rests." [1] If the advocates of Free Trade were able to answer this criticism to the satisfaction of the House, it was only because every one assumed as a matter of course that the adoption of Free Trade meant merely the substitution of one uniform trade policy for another, and that a "Free "Trade" policy would not give the colonists any more freedom to regulate their trade relations than they possessed under the old policy of protection. In other words "Free" Trade was to be *compulsory* for the Colonies. This point of view was well expressed by Lord Grey, Colonial Secretary from 1846–52. When Parliament adopted Free Trade, he wrote: "It did not abdicate the duty and the power of "regulating the commercial policy, not only of the United "Kingdom, but of the British Empire. The common interests "of all parts of that extended Empire, require that its "commercial policy should be the same throughout its "numerous dependencies; nor is this less important than "before because our policy is now directed to the removal "instead of as formerly to the maintenance of artificial "restrictions upon trade." [2]

In all these schemes for a uniform Imperial trade policy, no real heed was paid to the well-being of the Colonies. They were still regarded as autonomous outer provinces ministering to the needs of the heart of the Empire. But despite the strength of the Free Trade movement, the ideal of Imperial Free Trade was not able to stand up for long against the rising tide of nationhood in the Colonies. The Colonial Parliaments were not slow to recognise that fiscal policy might exercise a determining influence upon the

[1] *Ibid.*

[2] *Op. cit.*, Vol. I, p. 281. Grey held these views till the end of his life. The repudiation of Free Trade by the Colonies made him doubt whether they were worth keeping. (See his article, *Nineteenth Century*, June, 1879.)

direction of their social development, and that to allow England to dictate their commercial policy was equivalent to permitting her to dictate the lines of their social life. After several minor disputes the question was settled once and for all by the vigorous declaration by the Canadian Ministry in 1859 of their constitutional independence in the matter of fiscal policy. "Self Government," they wrote, "would be utterly annihilated if the views of the Imperial "Government were to be preferred to those of the people "of Canada." [1] This protest was caused by the mere suspicion that the British Government had for a moment considered the possibility of vetoing a Canadian tariff Bill. As a result of this protest, the freedom of the Colonies to control their own fiscal policies was never again seriously challenged. This freedom meant freedom to depart, if they saw fit, from the gospel of Free Trade, and in less than twenty years' time, to the bitter grief of English Free Traders, the Dominion of Canada and most of the Australian Colonies set up protective barriers against the Mother Country.

It should be remembered that the process traced here was not merely one of securing privileges by the Colonies, but also of the taking over of responsibilities hitherto borne by the United Kingdom. The best example of this second aspect may be seen in the question of military defence in the Colonies. Recognising the need (to quote the words of a Parliamentary Committee in 1861) "of stimulating the "spirit of self-reliance in Colonial communities," the British Government in the decade from 1860–70 gradually withdrew all British troops from self-governing Colonies; but at the same time it showed itself willing to put at the service of the Colonies, for the development of their own defence systems, the best professional advice available. The action of the British Government in this matter should be regarded, not as part of a policy of disintegration, but as a noteworthy sign of a recognition of the meaning and implications of Responsible Government, and of a desire to take an active as well as a passive part in its development.[2]

[1] Egerton and Grant: *Canadian Constitutional Development*, p. 350.

[2] On this question see Egerton: *British Colonial Policy*, pp. 362–6.

As we shall see later, this process of the assumption by the Dominions of all the powers, including foreign policy, necessary for their full national development, has now come full circle; so that to-day the Dominions have achieved full constitutional independence, and the very idea of a limited autonomy is a thing of the past. But before we can understand the real significance of these later developments, we must study the growth of ideas in England and in the Colonies, during the latter half of the Nineteenth Century, as to the meaning of Responsible Government, and especially, as to the real significance of this process of encroachment by the Colonies on the reserve of Imperial powers.

CHAPTER III

THE MEANING OF RESPONSIBLE GOVERNMENT—IDEAS AS TO THE NATURE OF THE COLONIAL RELATIONSHIP, 1840–1900

I. INTRODUCTORY

THE aim of this and the following chapter is to study briefly the development of ideas as to the nature of the colonial relationship during the latter half of the Nineteenth Century. The importance of such a study is obvious when we realise that this is the chief formative period in the development of modern ideas as to the nature and value of this relationship. It is upon the fundamental ideas hammered out between 1840 and 1900, that the great developments of the last ten years have been built. In this formative period were moulded the modern conceptions of the nature of Dominion nationhood and statehood; the ideal of the Empire as an Imperial Federation of national units—an international super-state; the rival conception of a free Group of states co-operating on a basis of equality; and finally the new method of conducting international relations by means of regular conferences between Governments.

The subject dealt with in this chapter falls roughly into three main divisions:

(1) The Period of the Colonial Reformers, 1840–55.
(2) The Period of Pessimism, 1855–70.
(3) The Revival of Belief, and the rise and collapse of the early Imperial Federation movement, 1870–1900.

The divisions, of course, overlap, and the dates given are

merely rough indications of the years in which a particular type of thought predominated.

In the first period the faith of the Colonial Reformers in the permanence of the Imperial connexion (a faith partly conditioned, however, by their mistaken belief in the possibility of a limited autonomy) struggled with the growing tide of pessimism. The second period witnessed the melancholy triumph of this attitude of pessimism, which was founded partly on a distrust of freedom, partly on the belief that free trade made any formal connexion unnecessary, but most of all on the failure to understand the human factor which governed the situation—the will of kindred peoples to maintain their intimate group life. The third period witnessed a revival of belief in the permanence of the connexion; but this belief was generally accompanied by the caution "provided we amend the Constitution of "the Empire in time, and establish some kind of Imperial "Federation to check the drift to dissolution."

In the first two periods interest centred on the development of Responsible Government, and the revelation (for those who could see) of its ultimate goal, as shown in the building of a national federal Government in Canada from 1864–67. In the third period the complementary question of the development of inter-Imperial machinery, emerged into the foreground. In the earlier part of this third period there was great hope of a speedy realisation of the new idea of Imperial Federation. Hence innumerable discussions, and much running to newspapers and reviews with plans for amending the constitution of the Empire. But towards the end of the century the hope of a speedy and easy solution along these lines withered before the obvious reluctance of the new nations to fit themselves into the mould of an Imperial super-state. The new conception of the Empire as a group of free states rather than a super-state—a conception which developed mainly in the Colonies during the period in which the ideal of Imperial Federation dominated English thought—will be dealt with in the succeeding chapter.

II. THE PERIOD OF THE COLONIAL REFORMERS

In 1897, at the close of a long political career stretching back to the beginning of Responsible Government, Gladstone spoke the following words to Richard Seddon, the Prime Minister of New Zealand :

" There was a time when some statesmen considered that " when the Colonies grew in strength, importance, and " numbers, they would wish to be severed from the Mother " Country. We thought that nothing could be done that " would prevent their doing so. But there were those who " said, ' No, the Colonies will not wish to sever themselves " ' from the parent stock . . . The more freedom they have, " ' the greater will be their love for the Mother Country and " ' the closer will be the connexion.' Amongst the men who " stood boldly by that position was John Robert Godley, " the founder of the province of Canterbury, in your colony. " With him there were four others, and their ideals and " aspirations have been fully verified." [1]

The characteristics of the period could not be summed up more aptly—the small band of believers struggling not unsuccessfully against the general background of pessimism and apathy. The four whom Gladstone had in mind were probably Lord Durham, Gibbon Wakefield, Charles Buller, and Sir William Molesworth. To them we might add Lord Elgin, Lord Grey, and perhaps one or two others who shared similar views. The movement began in 1830 under the leadership of Wakefield, and succeeded in less than twenty years in bringing about fundamental changes in methods of colonisation. The Colonial Reformers were chiefly instrumental in bringing about Responsible Government. They alone (save for the great inarticulate masses) believed in the permanence of the connexion.

It is worth inquiring what was the basis of their faith. It lay partly in their perception of the deeply-rooted, but inarticulate feeling of the people of England that it had been well to found communities of kinsmen overseas, and that it

[1] Drummond : *Life of Seddon* (1906), p. 305.

was supremely worth while to remain on terms of closest intimacy with them. But it lay still more in their discovery of what was called "colonial loyalty," the most important factor in the whole situation, and the one least understood in England. It was in vain that men like Joseph Howe of Nova Scotia protested "that the population of British "North America are sincerely attached to the parent state; "that they are proud of their origin, deeply interested in "the integrity of the Empire . . ."[1] There were not ten public men in England who saw the soul of words such as these. Most English statesmen were much too ready to interpret protests against an evil system of government, as protests against the connection itself. For an understanding of the innermost feelings of another people, study afar off, however diligent, is altogether insufficient; close personal contact is essential. And it is significant that the few English statesmen whose faith in the permanence of the connection never wavered, had exceptional opportunities of getting to know the real feeling of the Colonists. "Without having lived in a colony," Wakefield pointed out in 1849, ". . . it is difficult to conceive "the intensity of colonial loyalty to the empire . . ." "I "have no doubt," he said, "that love of England is the "ruling sentiment in English colonies."[2] Durham's own observation had convinced him that "the predominant feeling "of all the English population of the North American Colonies "is that of devoted attachment to the mother country."[3] Armed with this knowledge, he had been able to combat boldly the current idea that Responsible Government, especially if it led to a legislative union of all the Colonies, must mean separation. "On the contrary," he asserted, "the practical relief from undue interference, . . . would "strengthen the present bond of feelings and interests; and "the connexion would become more durable and advan-"tageous, by having more of equality, of freedom, and of "local independence."[4] In virtue of this faith Durham was

[1] Letter to Lord John Russell, 1839. Egerton and Grant, *op. cit.*, p. 193.

[2] *Art of Colonisation* (1849), p. 100.

[3] *Report*, Ed. by Lucas, Vol. II, p. 284.

[4] *Ibid.*, p. 310.

hailed with delight by the Reformers as the "first British "Statesman to use the word 'perpetual' in speaking of the "connection between the colonies and their mother country."[1]

Did the Colonial Reformers have any full conception of the change that was to take place in the nature of that connection? Did they perceive in any clear way the slow gathering together of the scattered settlements in Canada and Australia into the forms of great nations? On the whole it seems that both these questions must be answered in the negative, and herein lies their one really great failure to read aright the future. When they came down from their heights to construct definite plans for the future, they seemed unable to design anything more than mere provincial status for the colonies. To Durham's "perfect subordination" must be added Wakefield's significant reference to Responsible Government as "municipal government," which he proceeded to define as "a delegation of authority for limited "purposes."[2] It is true that at times they seem to allow their imagination free rein, and to apply to the Colonies phrases such as "growing nations," "equal partners," "faithful allies," and the like; but there is an obvious contradiction between these terms, and the passages referred to above in which they are attempting to define the relationship in more precise language. Nowhere does this contradiction stand out more boldly, or the failure of insight appear more glaringly, than in the passages in which Durham advocated a legislative union of the Canadian Colonies for the purpose of "raising up for the North American "Colonist some nationality of his own" to counterbalance the influence of the United States. "No large community "of free and intelligent men," wrote Durham in a passage full of insight, "will long feel contented with a political "system which places them, because it places their country, "in a position of inferiority to their neighbours."[3] Yet just a few pages further back he has complacently assumed

[1] *Colonial Gazette* (1840). Quoted by Mills, *Colonisation of Australia*, p. 267.

[2] *Art of Colonisation*, pp. 269–71. Cf. pp. 275, 307, etc.

[3] *Report*, Ed. by Lucas, II, pp. 304–312.

that the Canadian community would be prepared to accept such a position of inferiority to the United States, because of its assumed willingness to remain in "perfect subordination" to the United Kingdom in some of the most vital of all questions of national policy!

It is in this contradiction that we must seek an explanation of what at first sight appear strange lapses into unfaith on the part of the Reformers, when they speak of the possibility of the Colonies becoming nations. The sentence just quoted from Durham, in which he speaks of the effect of freedom in making the connection "more durable," is immediately followed by another sentence which seems to show a lack of faith in the possibility of a really permanent connection. This should be compared with the still more striking instance in which Molesworth condemned the federal clauses in the *Australian Government Bill* of 1850 on the ground that their effect would be to "lay the foundation of "a great federal republic in Australia to be independent of "this country as were the United States of America . . . He "did not see how a federal assembly could be admitted at "all unless the intention was to separate these colonies "from the mother land. It appeared to him that the "monarchy of Great Britain was the true federal assembly "that should be contemplated, at all events for a long time "to come in these colonies."[1] What he feared was that a federal assembly would be unwilling to accept "perfect "subordination," and, having little to occupy its attention, would "begin encroaching on the imperial power."

This complete misreading of the central lesson of the American Revolution, by one who based his main criticisms of the Bill on the ground that it departed from the principles of the American constitution, gives the key to the contradiction already noted. The intuition of the Reformers whispered the words "nations" and "allies," but their reason failed to reconcile full autonomy with a maintenance of the "connection." If the Colonies were not willing to accept in certain vital matters a position of "perfect "subordination," then no amount of loyalty could prevent

[1] *Hansard*, Vol. CX (1850), p. 802.

ultimate "independence."[1] The current political philosophy failed to distinguish "independence" from the dreaded "separation"—a word the very utterance of which is often sufficient to arouse the primitive herd instinct of the English race, and to silence all argument. The political thinkers of the day had failed (as most of their successors have failed even to the present day) to find any place in their system for the new factor of interdependence in the world of states. They were still bound hand and foot by the Renaissance conception of the state as shut off from its neighbour states by a ring-fence of indivisible sovereignty; and they could offer nothing better to the Colonial Reformers than a choice between two alternatives: either the Colonies must remain inside the ring-fence of the British State, or they must set up their own ring-fenced states outside it. Separation meant separation indeed—the digging of a deep gulf between the various parts of the Empire. Even if, as timid critics sometimes suggested, friendly separation might be followed by an intimate alliance, what were alliances between sovereign states but narrow and fragile bridges over the chasm made by separation? It was little wonder, then, that the Reformers, in face of such a prospect, hastened to say: "We must at all costs remain members of one body politic." But what, according to the current political philosophy, could be the position of Colonies thus retained within the British State? They might be wholly dependent, as they were conceived to be before Responsible Government (that is, subject communities under the rule of the Colonial Office), or, on the other hand, they might have a limited autonomy as outlying provinces of a great British State. Responsible Government meant to Molesworth simply a restoration to the colonists of their true rights as "Englishmen across the seas." Although in theory entitled to precisely the same treatment as Scotland or Ireland, distance made certain departures essential. It limited the power of the Colonists to exercise their right of representation, and made necessary the setting

[1] Cf. the view of Cornewall Lewis that a colony must either be a dependency or an independent state. *Essay on the Government of Dependencies* (1841), Ed. by Lucas, 1891, p. 307.

1850, and in all the colonies the growth of a national feeling which steadily encroached upon the "irreducible minimum" of Imperial powers—all these things pointed in the same direction. Whether you were a Benthamite or a Cobdenite, a Whig or a Tory, mattered but little; you viewed the question from the same materialistic standpoint, and wondered often in private, and not unfrequently, though much more cautiously, in public, whether it was not just as well to let things drift, or even to shove them down stream a little faster. Merivale, Professor of Political Economy at Oxford in 1840, and afterwards from 1847–59 permanent Under Secretary of State for Colonies, had put your thought well for you when he referred as follows to what happened after 1783: "All the world knows . . . that the commerce "between the mother country and the colony was but a "peddling traffic, compared to that vast international inter- "course, the greatest the world has ever known, which grew "up between them when they had exchanged the tie of "subjection for that of equality . . ."[1] When he said also that: "The benefit of colonies to the mother country consists "solely in the surplus advantages which it derives from "the trade of the colonies over the loss. That benefit has "been enormous calculated in figures alone."—you agreed perfectly with his first sentence, but were a little doubtful about the second.

Each party had its own particular type of pessimism, coloured by its own political or economic doctrines. The Tories, by nature opposed to anything that smelt too much of freedom or democracy, looked with regret at the vanishing of British supremacy. Overmuch freedom had led to 1776; in the more extreme form proposed by Durham, it would lead still more rapidly to dissolution. The Tory colour is expressed delightfully in the words put by Wakefield, without the least intention of ridicule, into the mouth of Mr. Mother Country. The latter protested that Wakefield's "doctrines "about municipal (i.e., responsible) government for colonies

[1] *Lectures on Colonisation and Colonies* (2 vols., 1841), Vol. I, p. 230; cf. the great emphasis which Molesworth continually puts on the value of colonies as markets.

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The Whig party during this period, under the influence of Russell and its more advanced members, was gradually leaving behind its more conservative elements represented by Palmerston and Melbourne, and transforming itself into the Liberal Party. The policy of the new party was shaped mainly by the Radicals, who supplied much of its driving force. As regards colonial policy the Radicals, after about 1830, were divided into two groups. The majority, on economic and political grounds, leaned more and more towards colonial separation. A minority under the influence of Wakefield had, about 1830, broken away from the separatist tendencies of their fellow Radicals, and, calling themselves colonial reformers, had set out to destroy the old colonial system—as the only means of preserving the Colonies. The main body of Whigs had no very decided colonial policy of

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"go straight towards democracy, republicanism, colonial "disaffection, and dismemberment of the Empire."[1] There was even a danger, he feared, that colonial democracy might "infect the mother country." The Tory doubt, as expressed time after time during this period by the leaders of the party, could not be better summed up than in Disraeli's famous exclamation, uttered in 1852 in reference to a fisheries dispute between the Canadian Colonies and the United States: "These wretched colonies will all be independent too in a "few years, and are a mill-stone round our necks."[2] Practically every extension of Responsible Government was met either with active opposition or with diplomatic "regret" by the Tories.[3] With the revival of imperialism about 1870, Tory regret at the loss of British supremacy, and of the chance of a tremendous world-empire, began to be tempered by the hope that these might be recovered again, in a form more palatable to the Colonies and to the English people, by the establishment of some kind of Imperial Federation.[4]

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their own, and accepted in its main principles the policy of Durham and the Reformers. As Responsible Government developed, the Whigs became more and more convinced that it was the right policy. But from the first few of them had shared the confident assurance of the Reformers and of Lord Grey that Responsible Government would result in strengthening and perpetuating the connection. Between 1840 and 1850 the drift set noticeably towards the separatist views of the larger section of the Radical party. In 1849 Lord Grey, then Colonial Secretary, wrote as follows to Lord Elgin, Governor General of Canada: "There begins "to prevail in the House of Commons, and I am sorry to say "in the highest quarters, an opinion (which I believe to be "utterly erroneous) that we have no interest in preserving "our colonies and ought therefore to make no sacrifice for "that purpose. Peel, Graham, and Gladstone, if they do 'not avow this as openly as Cobden and his friends, yet 'betray very clearly that they entertain it, nor do I find 'some members of the Cabinet free from it."[1]

The death of Molesworth in 1855 removed the last chance of stopping the dry-rot, and the party fell more and more completely under the influence of the Manchester School, the leaders of which, Cobden and Bright, were becoming quite openly separatist in policy.[2] The chief motive forces behind the policy of separatism, were the economic views of this school. These views were based on a false simplification of the facts, which ruled out, as quite irrelevant, all sentimental considerations. The Colonies were peopled with a race of economic men who were supposed to be driven (just as if they were English merchants, or factory owners, or factory hands) by their own self-interest—on the one hand towards political independence, and on the other towards perpetual free trade with England. To persons ruled by the hard and abstract logic of the times, Responsible Government seemed a mere untidy makeshift, invented for the purpose of giving discomfort to minds accustomed to picture political communities as neatly cut up into separate sovereign states.

[1] Quoted by Morison, *op. cit.*, pp. 266–7; cf. Mills, *op. cit.*, p. 268.
[2] Morley, *Life of Cobden*, I, 230; II, 270, etc.

Some of the best examples of this kind of reasoning, both on its economic and political side, occur in the writings of Professor Goldwin Smith. In 1862–3, when Professor at Oxford, he published a series of letters in the *Daily News* which attracted much attention.[1] The advent of Goldwin Smith was of greater importance in the history of colonial policy in the Nineteenth Century than has sometimes been realised. By breaking silence he helped to relieve the tension. Ultimately his brilliant statement of the case for separation at its best, helped to provoke a reaction towards closer unity. He based his case for separation partly on economic and partly on political grounds. The ending of the system of trade monopoly, the repeal of the Navigation Acts in 1849, and the advent of Free Trade he regarded as the chief reasons for "freeing" the Colonies from their "childish thraldom."[2] The present system seems to him hopelessly illogical, and he is tremendously worried because he cannot find any "recognised principles" in the relations, which are, he says, "in truth mere unreason and bewilderment."[3] The continual encroachment of the Colonies on the reserve of Imperial power, however, shows that the relations are leading to a "recognised principle," namely, independence. He is fearful lest some cause of quarrel should arise, and the parting be made in anger. The Colonies are loyal now, he says. "Now, then, is the time, before any subject of dispute "arises, to make this loyalty and this affection sure for "ever."[4]

Many people were naturally annoyed that the case should be put thus bluntly for them, but it is interesting to note how very feeble were the replies attempted. His critics could think of no other way of countering him than to meet him on the very ground of utility which he had chosen, and the only utility arguments they could advance were no match for his. Indeed, *The Times* gave him his whole case, only stipulating that the Colonies should not be hustled out if they chose

[1] Published as a volume with the title *The Empire* in 1863.
[2] *Op. cit.*, pp. 2, 25, etc.
[3] *Ibid.*, p. 60.
[4] *Ibid.*, p. 59.

to remain: "No party, we believe, in this country desires "to keep them against their will; nor do we pretend to "deny that the time must come when they will no longer "require our aid, and when it will be better for both that "they should set up for themselves."[1]

The extent to which the disease of doubt had affected the official and governing classes is clear from the way in which unfaith had spread in its worst form into the very citadel itself—the Colonial Office. Despite the well known assertion made in 1869, in the Victorian Legislature, by George Higinbotham (afterwards Chief Justice of Victoria) that the Colonies, during their fifteen years of Responsible Government, had been governed by a "person named Rogers . . . "the chief clerk in the Colonial Office."[2]—the permanent officials had long ceased to exercise the excessive political influence which had caused Buller to draw his famous picture of Mr. Mother Country. But their influence must still have been considerable, and it was increasingly on the side of separatism. This tendency culminated in the unrelieved pessimism of Sir Henry Taylor, one of the chief officials from 1824 to 1872, and the "person named Rogers"—Sir F. Rogers (afterwards Lord Blachford), permanent Under-Secretary for Colonies, 1860-1871. Taylor was in close touch with Rogers, and the views of both are well expressed in a letter written in 1865 by the latter in reply to one from Taylor. "I go very far with you," wrote Rogers, "in the "desire to shake off all responsibly governed colonies." He went on to speak of Canada as "a colony which is no "good to us and has no real care for us."[3] Taylor even went so far as to hope that nothing would occur to draw England and Canada closer together. In a letter to his chief, the Duke of Newcastle, about the year 1864, he wrote as follows: "In my estimation the worst consequences of "the late dispute with the United States has been that of "involving this country and its North American provinces

[1] *Ibid.*, p. 18.

[2] *Memoirs of G. Higinbotham*, by E. Morris (1895), p. 183.

[3] *Autobiography of Sir Henry Taylor* (1885), Vol. II., pp. 241–2.

"in closer relations and a common cause."[1] In a sentence such as this we reach the lowest depth of the separatist movement.

It would be unfair not to recognise that the separatists and the doubters had some saving graces. It is hard to see any redeeming feature in the doubts of Tory illiberalism, but in most other varieties of doubt it is possible to see at least some recognition of, and a desire to encourage, the rising national spirit of the Colonies.[2] Responsible Government for the Colonies was, indeed, part of the wider cult of nationalism, which distinguished British foreign policy in the Nineteenth Century. Even a superficial examination of the literature of the period is sufficient to show that the real significance of much of the separatist writing and talk has been misunderstood. This is due to several causes. Many who were not in reality separatists, used the language of separatism to describe a new conception towards which their minds were groping—the conception, that is, of an intimate British Group of States united by formal or informal ties of "alliance" and assisting each other to live a more complete life. In the second place the last two generations have been much too ready to accept uncritically the abuse which Imperialists of all types have heaped indiscriminately upon the statesmen and writers of the "cut the painter" period. When Dominion historians come to study more fully the origins of colonial nationalism in this period, it is not unlikely that they will come to conclusions somewhat different from those arrived at on many points by English historians, who have written from the standpoint of England

[1] *Ibid.*, pp. 234–42. In a letter written in 1885, Taylor showed a much saner appreciation of the situation, and spoke of the necessity of regarding Canada and Australia not as Colonies but as "friendly "allies." *Correspondence*, Ed. by Dowden (1888), p. 421. The views of the two permanent Under-Secretaries before Rogers (Sir James Stephen, 1836–47; and Herman Merivale, 1847–59) were much the same as those of himself and of Taylor.

[2] E.g. Lord Blachford based his separatism on the general principle that "a spirited nation, and a colony becomes a nation, will not submit "to be governed in its internal affairs by a distant government . . ." *Letters*, Ed. by Marindin, pp. 299–300.

and the "connection," rather than from the standpoint of the Dominions.

The kind of change of emphasis which may be expected will become clear if we take the case of the Philosophical Radical, J. A. Roebuck. The writings of this so-called "Little Englander" show a clearer recognition of the necessity of fostering the nationhood of "the new nations," and of the change which colonial nationalism would make in the relations between England and the Colonists, than is to be found in the writings of Durham, Wakefield, Grey, or Molesworth. Roebuck's book, *The Colonies of England*, published in 1849, contains a very remarkable forecast of the development of great national federations in Canada, Australia, and South Africa. It is true that, over-logical like Goldwin Smith, he predicts ultimate independence. Hardly in the spirit of his analogy of parent and grown-up children, he insists that the latter shall not only leave their old home, but shall also sign a formal deed of separation from it. But he also insists that by adopting a liberal policy of encouraging such national development, England would make herself the centre of a closely allied and intimate group of kindred nations.[1] In the same way it has not always been recognised that even the separatism of Goldwin Smith was but the avenue to a new and greater synthesis—namely, his lifelong dream of what he called in 1891 "the moral federation of the whole English-speaking race throughout the world."[2] In 1862 he anticipated that the result of the formal separation of the Colonies would be to make England "the heart and "centre of a great confederacy of States belonging to her "own race."[3]

On the whole it is fair to say that the emphasis put by the separatists on the development of an independent and self-reliant spirit in the Colonies, played a large part in helping to foster the growth of Dominion nationhood, and an even greater part in forcing England to recognize this vital factor.

[1] *The Colonies of England*, by J. A. Roebuck, M.P. (1849), pp. 170 ff.
[2] *Canada and the Canadian Question*, by Goldwin Smith (1891), pp. 265–6.
[3] *The Empire*, p. 25.

With the revival of Imperialism in 1870 we hear little more of the old schemes of Imperial Union. Henceforth all schemes for the future government of the Empire have at least to pay lip service to Dominion nationhood. It is possible that the Dominion historian of the future may say, that had it not been for the help of many of the men who have been called separatists and Little Englanders, the Imperialists, both Tory and Whig, in their blindness to the growing nationhood of the Dominions, and in their anxiety to build up an Imperial super-state, might have brought the Empire to the brink of dissolution.

IV. THE REVIVAL OF BELIEF IN THE EMPIRE.

THE EARLY IMPERIAL FEDERATION MOVEMENT

The causes of the revival of belief in the Empire were varied. On the surface it seemed to come as a somewhat unaccountably sudden reaction on the part of public opinion in England against the excesses of the separatist movement. The decade from 1860 to 1870 seemed a period of deepening pessimism. Events in Canada and Australia appeared to many to justify the conclusion that they would soon demand independence. But towards the end of the decade public opinion was startled by the rumour that Gladstone's Ministry contemplated turning the larger Colonies adrift without waiting for a positive demand for separation. "Gladstone and Company," wrote Froude in a letter in 1870, "deliberately intend to shake off the colonies. They "are privately using their command of the situation to make "the separation inevitable." [1] The rumour was probably unjustified, but it was sufficient to set in motion a reaction against separation. The revival showed itself outwardly in the foundation in 1868 of the Royal Colonial Institute, with its motto "United Empire," by a number of enthusiasts who wished to arouse public interest with regard to the

[1] Quoted by Ewart, *Kingdom Papers*, I, p. 40.

Colonies : it showed itself also in the reading of a number of papers on colonial questions at the Social Science Congress held at Bristol in 1869. The campaign thus begun was carried on in the following years by the holding of important conferences and meetings in London to discuss Imperial problems, and to combat separatism. In a very short time politicians of all parties had forgotten that they had ever doubted, and were professing their faith in the future of the Empire. By 1871 the early Imperial Federation Movement was in full swing.

These developments were the outward expression of deeper causes. Cobden's prediction in 1846 of the speedy coming of universal Free Trade (the " Calico Millennium " as Carlyle dubbed it) seemed for a time to be justified by the rapid spread of the doctrine in the following twenty years. But the revival of militarism in Europe in the seventies, and the consequent spread of protectionism, accompanied by a development of continental industries, caused the self-governing colonies and the tropical dependencies to be regarded in a new light, that is, as possible sources of raw material and of soldiers. An Imperial Zollverein, or customs union, which would place the resources of the Empire at the disposal of British industries, and at the same time secure them a ready market, still seemed a possibility, despite the strong tendency towards protectionism in the Colonies. And as Lord Salisbury showed at the Colonial Conference of 1887, there was also a hope in England that a Kriegsverein, or Union for " military " purposes," might be possible.

But there was something much deeper in the revival than these rather sordid calculations of the market place and the barracks. There was the growing articulateness of the masses of the people, at last awakening to the separatism of their ruling classes. Mid-Victorian England was a Middle Class England, and the special contributions of the Middle Class to English colonial policy were Responsible Government and Pessimism. The first contribution was accepted by every one except a small number of irreconcilables who clung obstinately to the dead body of British supremacy. The second contribution was acquiesced in by the great majority of those

who mattered politically, that is, the Upper and Middle Classes.

But it was not accepted by the unenfranchised masses of the people, and their faith was no less real because it was not articulate. "The people of this country," wrote Roebuck in 1849, "have never acquiesced in the opinion that our "colonies are useless; and they look with disfavour upon "any scheme of policy which contemplates the separation "of the Mother Country from the colonies. For this opinion "the people have seldom been able to render an adequate "reason." [1] The cause of this faith is not far to seek. They were too deeply involved in the daily grim realities of an industrial system, run on the "economic man" theory of the economists, to accept a colonial policy of separation which frankly based itself upon this theory. Colonists they knew not as "economic men" but as their own friends, their kinsmen and their relatives. The very word colony was a word of hope, which caused many a wistful look and brought many a bright dream into the dullness of wage-earning England. The colonies were places which gave the freedom, the security, the opportunity, which England denied. In Australia a working man might even have a vote—a fact which *The Times* in 1861 deplored on the ground that it was impossible for a colonial democracy to work in harmony with a House of Commons "elected by constituencies in which "the democratic element is tempered by a large admixture "of property and intelligence."[2] In 1867 it was made possible for some working men to have a vote even in England, and "property" and "intelligence" at Westminster and in Whitehall were not slow to bring their colonial policy into line with the will of those whom they now playfully called their "masters."

It was colonial loyalty to the English people, joining hands with English loyalty to their oversea kin, that brought to an end the period of doubt. The aristocratic Whigs and Tories, who governed England on Middle Class principles, found great difficulty in understanding the strange sentimental

[1] *The Colonies of England* (1849), p. 8.
[2] *The Times*, Oct. 21, 1861.

loyalty to the old homeland which was one of the first things to strike every visitor to the Colonies. The colonial governors remarked upon it with surprise and pleasure.[1]

There are, it is true, traces of a separatist movement in Canada, and also traces of some separatist feeling in Australia, round about the year 1850. But in both cases they are only the surface form taken by protests against English misgovernment or mistakes in policy. The annexation movement in Canada in 1849 was caused mainly by the effect upon Canadian trade and industry of the sudden reversal of English commercial policy. The unrest in the Australian Colonies about the same time was due mainly to the obstinate attempts of English statesmen to continue the policy of transportation, which treated the colonies, in Molesworth's phrase, as "the "moral dunghill of Great Britain," and against which the Colonists protested with a fitting counter proposal that they should repay cargoes of convicts with "cargoes of snakes."[2]

But these were little more than passing gusts, which disturbed for a moment the steady stream of colonial loyalty, and were gone. Durham's faith was fully justified: freedom won the affection of the Colonists as nothing else could have done. Merivale in 1861 described eloquently the great change that Responsible Government had brought about: "The "magnitude of that change—the extraordinary rapidity of "its beneficial effects—it is scarcely possible to exaggerate. ". . . The cessation, as if by magic, of the old irritant sores "between colony and mother country is the first result. . . . "Confidence and affection towards the 'home' still fondly "so termed by the *colonist* as well as the emigrant, seem to "supersede at once distrust and hostility. *Loyalty*, which "was before the badge of a class suspected by the rest of the "community, becomes the common watchword of all . . ."[3] There is nothing very subtle and complex about this loyalty. It grows side by side with another and even stronger loyalty, that owed by the Colonist to his own growing community.

[1] Cf. Sir Wm. Denison: *Varieties of Vice-Regal Experience.*

[2] Adderley: *Review of Colonial Policy of Lord John Russell's Administration*, etc. (1869).

[3] *Lectures on Colonisation and Colonies* (1861 ed.), Vol. II, p. 641.

But it is not felt that these two loyalties clash or are likely to clash in any serious way. Threats to one or to the other—interference with self-government, or talk of separatism—arouse vigorous protests. Protests against separatist talk or action in England were at length listened to there with respect, because ignoring them might mean that they would grow loud enough to reach the ears of the new " masters."

So ended the period of doubt and the policy of drift. English statesmen bowed to the will of the people of England to remain united with their kinsmen overseas, and to the will of the oversea communities to keep in the closest touch with the old nation from which they had sprung.

The revival of belief in the Empire was accompanied by a great outburst of activity in the devising of plans for its better government. Before considering these plans we must examine very briefly the general situation as it presented itself to many observers in England. By 1870 the instability of Responsible Government had become apparent. Of Durham's list of " Imperial powers " only foreign policy was left intact. If the Colonies were allowed to encroach on this last citadel would not the unity of the Empire be destroyed ? The situation seemed urgent. In 1867 Canada achieved federation, at a time when the Americal Civil War had revealed to her the vital importance of foreign policy. Similarly the Australian Colonies were beginning to realise the importance of foreign policy. The intrusion of European powers into the Pacific—resulting finally in the annexation of Tahiti by France in 1880, and in the annexation of Northern New Guinea by Germany in 1884, after a fruitless attempt had been made by Queensland to forestall her—had brought home to the Australian people the need of a national federal government. It was not likely that either Canada or Australia would be content for much longer to remain dependencies of Great Britain in these vital matters. The Government of the Empire must therefore be reconstructed in some way with the objects (1) of giving the Colonies some voice in foreign affairs and of checking any further divergent tendencies, (2) of combining the economic and military resources of the Colonies with those of the United Kingdom.

The solutions discussed in England during the next thirty years were of three main types: (1) Imperial Union, (2) Imperial Federation, (3) Imperial Co-operation, or "Alliance." Of these most attention was concentrated on the second, the first being a mere survival from the earlier period, and the third a conception, which, though it originated in England, was not very welcome there, and found its chief foothold in the Colonies.

I. IMPERIAL UNION

Imperial Union, as we have seen, was the solution which found some favour in England before the American Revolution. But although suggested several times before and after 1840, it had little life left in it after Responsible Government was well established. The growth of the Colonies in political power thrust it further into the background. As Merivale had pointed out in 1841, Imperial Union with representation in the House of Commons involved logically the impossible course of doing away with the colonial Assemblies. If, however, the assemblies were retained, and colonial representatives attended the House of Commons for the purpose of voting on Imperial questions, it would be impossible, in a Parliament which dealt both with these questions and with the domestic concerns of the United Kingdom, to prevent the colonial representatives from interfering with these latter concerns. But the really insuperable difficulty was that no colony which had the option would ever have consented to barter away any portion of its right of self-taxation in return for an infinitesimal representation in the English House of Commons.

But although its obvious defects made Imperial Union quite impossible as a practical proposal, it left a legacy of ideas which have strongly influenced the Imperial Federation movement. The federal idea grew up almost imperceptibly out of the idea of Imperial Union. It was, indeed, regarded for long as merely a modified form of Imperial Union, embodying the essential ideas of the latter, but avoiding its defects

of machinery. There was scarcely any recognition of the fact that Imperial Federation involved the creation of an international state; it was indeed commonly spoken of as creating merely a national federal state like that of the German Empire, or the United States of America. The step from the idea of Imperial Union to that of Imperial Federation was no very long one, once the development of the steamship and the cable had gone far to meet the objection that distance and inaccessibility made colonial representation impossible. The further objection that colonial representatives must inevitably interfere with the domestic affairs of the British Isles, could then be easily disposed of by the application of the federal principle with its division between central and local powers. The domestic affairs of the United Kingdom could be handed over to a subordinate United Kingdom parliament, corresponding to the new federal parliament of Canada, whilst the Imperial Parliament representing all self-governing parts of the Empire would confine itself to Imperial questions.

2. IMPERIAL FEDERATION

The term Imperial Federation was used very loosely in the discussions of this period, and neglect of this fact has led to much confused thinking on the part of some of those who have written about the early movement. The term was freely applied to any scheme of government which aimed at preserving the unity of the Empire—including schemes for the representation of the Colonies in the House of Commons, for advising councils of Agents General or of Resident Cabinet Ministers, and even for such monstrosities as the conversion of the House of Lords into an Imperial Senate by the admission of retired Governors as the representatives of the Colonies. But it is necessary for the sake of clear thinking to restrict the use of the term to the conception of a central Imperial Parliament with an Imperial Executive responsible to it, the Parliament directly representing the peoples of the self-governing portions of the Empire, and exercising certain powers over them—such as the control of foreign policy and

defence, and of the taxation necessary to provide for these functions. No scheme which does not provide at least this minimum, can without abuse of language or confusion of thought be described as truly federal.

When was this conception clearly set forth for the first time? The question is not easy to answer because the origins of Imperial Federation are still wrapped in some obscurity.[1] It is therefore sufficient for our purposes to observe that the idea emerged with fairly clear and definite outlines from the discussions on the Imperial problem which took

[1] The conditions of any widespread movement in the direction of Imperial Federation did not arise till towards 1870. The conditions were supplied by the converging together about this time of three distinct lines of events: (1) the revival of faith in the Empire and of interest in the "colonial question"; (2) the rapid progress of steam navigation, and the successful laying of the Atlantic cable in 1866; (3) the revived interest in federalism caused by the American Civil War, the publication of Freeman's History of Federal Government in 1863, Canadian Confederation 1867, German Federation in 1871. Omitting vague phrases like Robert Lowe's "mighty confederacy" (1844) [Labillière: *Federal Britain* (1894), p. 6], or Wakefield's "federative relations" (*Art. of Col.*, 1849, p. 320), the first occasion upon which the idea of Imperial Federation emerges with any clearness seems to have been in a lecture delivered in New Zealand by J. R. Godley, in 1852. (Labillière, p. 8.) The idea is again suggested in an article contributed to the December number of the *Quarterly Review*, in 1853. (Burt: *Imperial Architects* (1913), p. 113. Although Burt does not mention the fact, this appears to be one of the first occasions upon which the term "Imperial Federation" was used.) It is evident that a good deal of isolated discussion on the subject took place before the apparently sudden outburst in 1871. Goldwin Smith in 1862–3 mentions the idea as if it were already a familiar one. He refers to the suggestion of a "federal government" which "must be made, in "the matters belonging to its jurisdiction, supreme over all the national "Governments, including the British Crown." (*The Empire*, p. 85.) Adderley, in 1869, shows that he has quite definitely grasped the conception, although he dismisses it as impracticable. (*Review*, etc., p. 420.) He mentions (p. 12), that he had once taken part in "a long "controversy with Mr. Godley, and Mr. Howe of Nova Scotia, on this "question. . . ." That the conception was by no means widely spread in 1869, seems clear from the fact that it was not even mentioned in the papers read at the Social Science Congress held at Bristol, nor at the Cannon Street Hotel meetings held later in the same year (Labillière, pp. 20–36), and that an ardent federalist like Labillière does not seem to have heard the gospel till 1871.

place in London between 1868 and 1871, and that it was brought before the public in two articles contributed in 1871 by a barrister named Edward Jenkins to the January and April numbers of the *Contemporary Review*. Later in the year, what seems to have been the first public discussion upon the subject took place. Thence onward there was a steady flow of discussions in the Royal Colonial Institute and elsewhere, and of pamphlets and books. This lasted without a break for about twenty-five years, then slackened off somewhat.

The outstanding facts of the early movement are soon told. The adhesion of W. E. Forster in 1870 gave standing to it, and the publication of Seeley's *Expansion of England* in 1883 spread the idea broadcast. The Imperial Federation League was founded in 1884, in more or less conscious imitation of the Anti-Corn Law League, and with the confident expectation that similar methods of propaganda would produce an equally speedy and successful issue. The glamour of the phrase "Imperial Federation," its promise of a speedy consummation of Imperial unity, and the enthusiasm of its advocates, attracted prominent statesmen of all parties both in England and in the Colonies. "The League," wrote Labillière, one of its founders, "established many branches "in this country, a very strong one in Canada, and some in "Australia. It circulated a large amount of literature upon "the subject, and by public meetings and lectures did much "to familiarise the public mind of the Empire with the "question."[1] But despite all this energy and enthusiasm the cause of Imperial Federation made little real headway. It became increasingly clear that the Colonies were unwilling to surrender themselves to a federation, and desired something more in the nature of an intimate "alliance." While Imperial Federation remained a vague aspiration to which each member could attach his own meaning, the League was able to maintain a show of unity. It broke up finally in 1893, mainly as a result of its first attempt to frame a definite scheme.

The real interest of the early Imperial Federation movement lies, not in the particular schemes which were vaguely

[1] *Federal Britain* (1894), p. 30.

outlined, but in the ideas of which they were the imperfect expression. The importance of an examination of these ideas is that they have influenced in many important respects the fundamental conception of the modern movement, of which the chief representatives are the Round Table Group. I do not mean that the leaders of the present movement in England have consciously studied and adopted the ideas of the earlier movement. But they have unconsciously absorbed a tradition, fundamental assumptions, and modes of thought. The subtle influence of traditions of this kind lies in the fact that, because they form the very structure and background of the mind, their presence is rarely questioned or even noticed.

It is interesting to note the spirit in which the pioneers of the early movement approached their task. It seemed to them that all that was needed was to spread the idea of Imperial Federation abroad: they were confident that its simplicity and its grandeur would win it universal acceptance. The task was by no means a difficult one. The federalists had no rival schemes to encounter: "They and they only," wrote one of them in 1875, "have a clear, definite and satis- "factory policy for the future."[1] How could there, indeed, be any alternative to federation except separation? Their only opponents must be either separatists or narrow-minded provincialists, and both receive no more mercy than such people should. An Imperial Federation would not be difficult to establish—more easy in fact than inter-colonial federation in Australia, said Labillière, himself once a Victorian. Not every federalist agreed that it was so simple, but most agreed that it was very urgent. We meet the famous dilemma at the very outset: "Federation or disintegration," wrote Edward Jenkins in 1871. A few years later this has become the confident generalisation, almost universally accepted by the federalists that at "a certain period of its growth, one of "two alternatives must happen with all the self-governing "colonies of Great Britain, Federation or 'disintegration.'"[2] We should remember that the disintegration thus predicted

[1] Labillière, *op. cit.*, p. 57.

[2] Sir Frederick Young: *Imperial Federation* (1876), p. xii.

meant to the writers the stern and robust separation of the old political theory—a parting possibly in anger, and at best to be followed only by a single-plank alliance of the familiar type. To some the sands already appeared very low in the glass. "It is as clear as noonday," wrote Jenkins in his second article in 1871, "that if we do not arrange for a more "complete union, only some singular interposition of "Providence can prevent the raising of that crucial question "which shall sever Canada from the Empire." "Con- "federation or confusion," he says. "In a nutshell . . . "we cannot go back; we cannot remain as we are; our "only chance of unity is Federation." The question of federation "towers immeasurably above all others in import- "ance and grandeur," wrote Labillière in 1875. "Upon "its skilful handling depends nothing less than the momentous "issue whether, within a century, the greatest Empire the "world can ever see shall be made or marred."[1] Between the making and the marring, between federation and separation, it was agreed, there could be no permanent alternative. Co-operation, alliance, confederation—all would crack and go to pieces at the first big strain, the first war.

What was conceived to be the nature and purpose of an Imperial Federation? It was looked upon as the welding together of the scattered fragments of a nation into a national federal state; and its purpose was, according to its critics, *power*, or, as some of its advocates preferred to put it, *power for service* and mutual aid.

When Seeley coined his great phrase the "Expansion of "England," when he spoke of Canadians and Australians as "merely Englishmen across the seas," and of the Colonies as "so many Kents," he was speaking in the line of a great tradition, which, as we have seen, ran back unbroken to the very dawn of the Empire. It was a tradition which was very strong in the early Federation movement. Sir Frederic Young in his book *Imperial Federation*, published in 1876, spoke of the project as being but a further step in a long historical process—the extension of government from England to Great Britain, from Great Britain to the United Kingdom,

[1] *Op. cit.*, p. 57.

from the United Kingdom to Greater Britain overseas ; and such analogies have continued up to the present day to find place in the writings of advocates of Imperial Federation. " In this process followed without interruption for more " than six hundred years," wrote Sir Frederic Young, " we " have at once the model and the example to be followed now, " in order to bind the whole Empire into a homogeneous and " indissoluble union. Why should the Australasian group, " the Cape, and the Dominion of Canada, not be regarded " as an extension of the counties of England, sending their " proper proportion of representatives—just as Middlesex " and Yorkshire, Cornwall and Northumberland—to the " British Parliament."[1] The question was, as Labillière put it in 1875, one of " *national* unity." Lord Rosebery, at a meeting of the League in 1889, spoke of " what is called " Imperial or *National* Federation."[2] The fact of common race blinded most of the federalists to the fact of divergent nationalities. Even whilst they argued, the problem had ceased to be one of " national unity," and had become one of international government. So far as their fundamental ideas of government were concerned many of them had moved little beyond the " one nation one state " idea expressed by Sir Robert Peel in 1838, when he argued that even if " the " majority of the people of Canada were disaffected to the " British Government," this was no reason for releasing them from their allegiance. The principle, he said, might equally be applied " to a part of England if that part expressed itself dissatisfied with the rule of England " ; and he gave as an example the Isle of Wight![3]

The Imperial Federation movement was closely allied to the early Tory distrust of Responsible Government, and many of the federalists both in England and in Canada shared the Tory dislike and distrust of the United States, the dreadful example of what a too liberal policy might produce. Each fresh extension of the area of Responsible Government seemed to widen the breach in the Imperial

[1] Pp. 2–3.
[2] Quoted in Worsfold : *Empire on the Anvil* (1916), p. 31.
[3] Quoted by A. Mills : *Colonial Constitutions* (1856), p. 71.

State, and aroused protests against the policy of disintegration. The attitude of *The Times* in 1861 is typical.[1] It protests against the "fatal gift" of the right to alter the franchise. It complains that the Colonial Office "has been "cowed into inertness," and has offered no resistance to the adoption by the Colonies of "a complete system of protection "in defiance of the policy of the mother country"; and it demands that "the Imperial Government should assert "itself a little, and try to bring some order out of the chaos "which it has created." The idea that Imperial Federation might heal some of the breaches made in the Imperial State by Responsible Government, was well expressed in the speech in which Disraeli, in 1872, virtually pledged the Conservative Party to "a great policy of Imperial consolidation," in opposition to what he called the subtle attempt of Liberalism "to effect the disintegration of the British Empire." "Self-"Government," he said, ". . . ought to have been conceded "as part of a great policy of Imperial consolidation. "It ought to have been accompanied by an Imperial tariff, "by securities for the people of England for the enjoyment "of unappropriated lands . . . and by a military code which "would have precisely defined the means, and the responsi-"bilities, by which the Colonies should be defended, and by "which, if necessary, this country should call for aid from "the Colonies themselves. It ought further to have been "accompanied by the institution of some representative "council in the metropolis, which would have brought the "Colonies into constant and continuous relations with the "Home Government."[2] The feelings with which the leaders of the Conservative party regarded the process whereby a limited Responsible Government was rapidly passing into full Dominion autonomy, could not have been better expressed. By 1872 the chance of getting control over the colonial lands had gone for ever, and the possibility of securing an Imperial tariff was remote, but imperialists like Disraeli still dreamed of being able some day to enter the diplomatic congresses of Europe as the supreme representatives of a great

[1] October 21.
[2] *Speeches* (1882), Vol. II, p. 530.

Imperial super-state—holding in their hands the power and resources of the Colonies as well as the army and navy of England.

Ever since the movement first began, the strongest argument of its advocates has been that by means of federation alone could the Empire be made powerful enough to face a world in arms. But in the writings and speeches of federalists " power for defence " passed so often and so easily into words which could only be summed up as meaning " power for aggression," that opponents found an easy mark for their shafts. One of the chief arguments used against Imperial Federation was that it was at bottom a project for world domination, or would be interpreted as such by the nations. The ideal of Imperial Federation, said John Morley, " is a great Roman Empire which shall be capable, by means " of fleets and armies, of imposing its will upon the world."[1]

And many who were anything but separatists, shared the opinion expressed in 1891 by Goldwin Smith in combating the argument that an Imperial Federation could impose peace upon the world : " Surely the appearance of a world-" wide power, grasping all the waterways and all the points " of maritime vantage, instead of propagating peace, would, " like an alarm gun, call the nations to battle."[2]

The thought of the early Imperial Federation movement may be seen at its best in Labillière's paper on *The Political Organisation of the Empire* read at the Royal Colonial Institute in 1881.[3] This was a brilliant attempt to distinguish between " Imperial " and " Provincial " powers, and to determine what powers were absolutely essential to the successful working of an Imperial Federal Government. He is led, " by the irresistible and most practical logic of facts," to the conclusion which he sums up in " four sentences." " Common defence involves common expense ; common " defence and danger confer the right of common control

[1] Quoted by Labillière, *op. cit.*, p. 162.

[2] *Canada and the Canadian Question* (1891), p. 265.

[3] *Proceedings, R.C.I.* A good general statement of the ideas of the early movement is to be found in Parkin : *Imperial Federation* (1892).

" of foreign affairs, from which danger may arise, and of " the forces required for defence ; common control must be " by common representation ; common representation is " Imperial Federation."[1] In his emphasis upon the indissoluble bond existing between the trilogy of Imperial Federal powers, defence, foreign affairs, and taxation, and upon the requirement that " a complete Imperial Government " should have direct power to levy taxes, and not merely " impose subsidies, upon the various Provincial Governments " of the Empire " ; in his insistence that the control of the Provincial legislatures over their own fiscal arrangements need be in no way disturbed by Imperial Federation ; in his warning that India was so vitally connected with British Foreign policy that serious difficulties might arise if she were not controlled by the Federal Parliament, and that if she were not so controlled the Colonies would be excluded from a share in the largest part of the " White Man's Burden " ; and in other respects—Labillière curiously anticipates the arguments and even the phraseology of the Round Table School of federalists.

But such a clear and uncompromising conception of Imperial Federation can hardly be taken as typical of the early movement. As the movement developed, and notes of dissent began to arrive from the Colonies, it became apparent that any talk of taxing them or interfering with their autonomy was dangerous, or at least undiplomatic. After the foundation of the League in 1884, much effort was expended in attempting to persuade colonial opinion that Imperial Federation did not necessarily involve taxation, or any interference with colonial autonomy as it then existed. Direct approach to Imperial Federation being difficult, several of the leaders of the movement turned their attention to the devising of indirect methods of approach—by way, that is, of advisory councils composed of Agents General, or even of Resident Ministers.[2] These proposals attracted

[1] P. 26.

[2] Cf. article by the veteran ex-Colonial Secretary, Lord Grey: *Nineteenth Century*, June, 1879. The Marquis of Lorne, and Mr. R. Stout, then Premier of New Zealand, in the April issue of 1885, and the

more attention and support both in England and in the Colonies than the more rigid schemes of parliamentary federation. But we must beware of reading into such proposals any genuine acceptance of the ideal of "alliance" between equals, which was then taking root in the Colonies. The Councils were intended to be advisory to the Imperial Government, not the medium for conferences between equal governments.

All this discussion of the problems of government was extremely valuable. It not only helped to rouse public interest in the Empire, but also did much to clear the issues and to make possible another great step forward in the development of the Empire into an effective Society of States. This step began with the summoning of the first Colonial Conference in 1887, and the League was not only partly responsible for inducing the British Government to take this step, but also sought to secure the regular holding of such Conferences.

But this was work which led away from, rather than towards, Imperial Federation. The efforts of the League in this latter direction were a complete failure. Although its enthusiastic propaganda seemed for a time to have secured a wide acceptance of the idea of Imperial Federation, this success was more apparent than real. It was gained only by the adoption of a policy of studied vagueness. By treating Imperial Federation as if it were synonymous with the much wider and more general concept of Imperial Unity the League was able to rope in many who were not strictly federalists—men, for example, like Sir John Macdonald, for eighteen years Prime Minister of Canada, and Sir Charles Tupper his colleague. Both were members of the League, but both looked askance at the idea of "Parliamentary federation," and regarded the difficulties in its way as insuperable.[1]

March issue of 1887, respectively, advocated an advisory Council of Resident Colonial Ministers.

[1] Cf. Tupper: *Recollections of Sixty Years*, p. 249; also his *Life* (Ed. by Saunders), Vol. II, p. 38. Cf. also Pope: *Memoirs of Sir John Macdonald*, Vol. II, pp. 214–22.

The moment the League departed from its original policy of vagueness and attempted in 1891 to draft a definite scheme for the government of the Empire, acute conflict arose between its divergent elements, and led ultimately to its dissolution in 1893.[1] There were three conflicting parties: (1) Those who took a broad view and urged full parliamentary federation as the only practical means of securing the general government of the Empire—this was also the free trade group; (2) the military party who looked on federation primarily as a means of securing contributions from the Colonies for the English army and navy; (3) the preferential trade group who, whilst regarding anything like parliamentary federation as impracticable, desired to secure Imperial unity by means of commercial bonds supplemented by some sort of consultative Council. The scheme finally accepted by the League embodied the views of this last party led by Sir Charles Tupper, then High Commissioner for Canada. The scheme proposed to link together the self-governing nations of the Empire by means of (*a*) Imperial Preference and (*b*) a Council of Resident Cabinet Ministers.[2] These proposals represented the advanced colonial rather than the English standpoint, the principle of alliance rather than the principle of federation; and they anticipated in a remarkable way many of the steps which have since been taken in the development of inter-Imperial relations. The authors of the scheme (who included Sir Charles Tupper, Lord Brassey, James Bryce and a number of others) must therefore be credited with unusual foresight.

But proposals of this mild character satisfied neither the federalists *par excellence* nor the military party, both of whom insisted on some form of parliamentary federation. The latter were put into an awkward position through the inadvertent publication of a private letter written in 1893

[1] Rusden: *History of Australia*, Vol. III, p. 497. Sir Frederick Young: *A Pioneer of Imperial Federation*, p. 138. Labillière: *op. cit.*

[2] Cf. article by Sir Charles Tupper in the *Nineteenth Century*, Oct., 1891. The scheme is reprinted in an appendix to Brassey: *Papers and Addresses: Imperial Federation*, 1880–94.

by Sir Charles Tupper to a friend in Canada.[1] Despite disavowals, which were formally accepted by Sir Charles, the incident helped to discredit the League, especially in Canada where the letter was published broadcast by the Dominion press. This incident, and the rejection of the League's scheme by Gladstone's Ministry, principally on the ground that it would undermine Free Trade, led soon after to the dissolution of the League. With its dissolution the early federation movement practically came to an end, though it was nursed back again into a feeble life by the efforts of Joseph Chamberlain (Colonial Secretary 1895–1903) to secure federation *via* the market place, and by the temporary stimulus of the Boer War. Its end may be said to have come finally at the Colonial Conference of 1902.[2]

How decisive this failure was, is indicated by the words used by Sir Charles Tupper in 1891: "Most people," he wrote, "have come to the conclusion stated by Lord Rosebery "at the Mansion House, that a Parliamentary Federation, "if practicable, is so remote, that during the coming century "it is not likely to make any very great advance."[3] Rosebery himself, once the President of the League, capped these words

[1] The letter stated that "the most active members of the Imperial "Federation League were mainly interested in levying a large con- "tribution on the revenues of the Colonies for the support of the Army "and Navy of England." *Life of Tupper*, Ed. by Saunders, Vol. II, p. 170. Cf. Denison: *Struggle for Imperial Unity*, p. 79.

[2] The divergent elements in the original Imperial Federation League finally sorted themselves out into three separate Leagues. (*a*) The preferential trade section were represented by the *United Empire Trade League*, founded in 1891. (*b*) The military party established in 1894 the *Imperial Federation* (*Defence*) *League*, which henceforth devoted itself to the task of "pointing out the short-comings of the "Colonies, and demanding cash contributions to the Army and Navy" (Denison, *op. cit.*, p. 199), than which, as Labillière rather naïvely complained in *The Times*: "nothing could be more indiscreet." (Rusden, *op. cit.*, Vol. III, p. 499.) In 1906, however, this body changed its name to the *Imperial Co-operation League*. (*c*) Those who adhered to the original policy of the League—federalism, but without schemes—succeeded in founding, in 1896, the *British Empire League*, a body now mainly concerned with questions of trade.

[3] *Recollections*, etc., p. 262.

by asserting in 1899 that " Imperial Federation in any form " is an impossible dream."

So far I have dealt mainly with English views of the " Colonial question." In the two following chapters I will deal with the rise and the meaning of Colonial Nationalism, its ideal of free co-operation between equal " allies," and the working of its chosen instrument for the government of the Empire—the method of Imperial Conference.

CHAPTER IV

THE RISE OF COLONIAL NATIONALISM,[1] AND OF THE COLONIAL IDEAL OF ALLIANCE

I. NATION AND STATE

THE pitfalls in the way of clear thinking caused by the various senses in which the word Nation is commonly used, make essential some preliminary discussion of its meaning. The chief confusion is caused by the use of the word (1) as a political concept, (2) as a cultural and ethnical concept. The word is sometimes used as the equivalent of "State," as in the phrase "international" relations," meaning inter-State relations. "State" connotes something purely political and legal in character—a clear-cut segment of humanity bound together in a single body politic.

The second meaning of the word Nation implies something much more subtle and complex. The deep sense of belonging to each other which we imply when we speak of a group of people as a Nation, is primarily psychological in character, and is due to a combination of factors which differ in number and in extensity in each case. The more important of these factors are similarity of tradition, race, language, religion, and geographical environment. It is possible for a man to belong to no Nation, to lack the colour and feeling of nationality, but it is almost impossible for any man to escape

[1] The phrase was popularised, if not invented, by Mr. Richard Jebb, whose *Colonial Nationalism*, published in 1905, did much to help Englishmen to realize that the Colonies had practically become independent states which expressed their idea of the nature of the Imperial connexion by the term "alliance."

being the citizen of some one State. The State frontiers of the world are precise and unmistakable ; but the borders of those vital and complex groupings of mankind, which we call Nations, are not easy to define. In some cases (for example modern France and Italy), Nation and State may practically coincide. In other cases (for example the United Kingdom) a State may contain several Nations or parts of several Nations.

But it is difficult even in the case of such multi-national States, to find any example of a Nation which does not desire distinct political expression of some kind or other. Where a Nation is grouped in a more or less compact area, and shows a keen desire to develop its cultural side in matters of religion, language, literature, custom and so forth, we usually find evidence of a demand for political institutions in some measure distinct from and independent of those of neighbouring Nations. Whether the Nation will be content with provincial autonomy or goes so far as to demand separate Statehood, depends largely on the peculiar circumstances of the case. Scottish and Welsh Nationalism would be well satisfied by provincial Home Rule, like that enjoyed, say, by French Canada. But Irish Nationalism, having been brought to white heat by repression, and the memory of repression, finds it hard to be content with anything less than a status approximating to full Dominion autonomy, or even complete independence.

Colonial Nationalism affords an extraordinarily interesting example of a steadily growing national spirit expressing itself step by step in increased political independence until it finally achieves complete Statehood. Beginning as subject provinces on the outer fringes of a vast British State, the various British settlements in Australia achieved, with the assistance of the British Government, first provincial autonomy through the grant of Responsible Government, then a somewhat limited national autonomy through federation, and, finally, as a result of the events of the last five years, complete Statehood. Each stage in this process has been the expression of a marked development in the sense of oneness or of community. Much the same development

has taken place in Canada and South Africa. In Australia Nation and State coincide perhaps more completely than anywhere else in the world: Canada and South Africa, on the other hand, are multi-national States. But in each of these two latter Dominions, the Nations of which the Dominion is composed, are gradually discovering in their common State a higher national unity and a higher loyalty which transcends, without destroying, the lesser loyalty.

II. THE GROWTH OF CANADIAN NATIONHOOD

It is not necessary for my purpose to trace the national development of each of the Dominions. It is sufficient to study the process in Canada, which in this respect has led the way for the other Dominions, and to compare with it very briefly the similar process in Australia. In making such a study attention must be given to two distinct but inseparably connected factors, which act and react upon one another in the most intimate way. These are (1) the growth of national consciousness, and (2) the development of national institutions; and they are related together as the soul and body of which Spenser speaks in his couplet:

> "Of the soul the body form doth take,
> "For soul is form and doth the body make."

It is not easy to point to the first dawning of national consciousness in Canada. There were the pioneers who saw the vision of a Canadian nation in the fifties: there were the "grey men before the pioneers" who suggested federation in the early years of the history of British Canada.[1] But there is no trace of any widespread acceptance of the idea of a Canadian nation in the forties and fifties. Even in the decade before federation the people of the various colonies seemed content to regard themselves as merely the inhabitants of

[1] Cf. Durham: *Report*, Ed. Lucas, II, p. 305. "I was gratified "by finding the leading minds of the various Colonies strongly and "generally inclined to a scheme that would elevate their countries "into something like a national existence."

self-governing provinces of Greater Britain. Those few who wished to end the connection with England regarded this step not as a means of establishing a united Canadian nation, but as a step towards incorporation in the United States.

It must of course be remembered that "far into the "Victorian era Canada, whether French or British, was a "dislocated community, with settlements set apart from "each other as much by mud, swamp, and wood-land, as by "distance."[1] It is not surprising therefore that the movement which resulted in the Canadian federation of 1867 was not the product of anything like a fully developed national consciousness. It was mainly an outcome (1) of the desire to remove the political deadlock which had arisen in the Province of Canada through the mechanical yoking together of French and English by the Act of 1840; and (2) of the necessity of strengthening the individual North American Colonies against the annexationist designs with which the United States was credited. There was, it is true, in the background an idea of national expansion, the idea of asserting a Canadian claim to the Great West, and as a means to this the hope of linking the Atlantic to the Pacific by a great trans-continental railway. But on the whole it seems fair to say that the creation of a federal government was not looked upon by the people of the Canadian Provinces as an expression and a means to a Canadian nation, but rather as a measure to relieve the pressing necessities of Canadian provincial politics, and to check the aggressive tendencies of American nationalism.

But although no well developed idea of a Canadian nation had spread widely amongst the people till some time after 1867, there is clear evidence in the debates which led to the framing of the Constitution, that many of the leading provincial statesmen had a more or less clear vision of the future Canadian nation, and regarded federation as the first and most essential step towards this goal. Their long experience of provincial politics made them realise that a group of petty neighbouring provinces, each seeking its own local aims, could not achieve any true national purpose—just as we are now

[1] Morison, *op. cit.*, p. 12.

slowly realising that the ideal society of the classical economist, a society composed of economic men each bent on his own self interest, could not produce out of its aggregate of individual selfishnesses any true social purpose. As the first step towards the Canada which they saw looming above its provinces, the "fathers of confederation" sought to establish national institutions capable of dealing with the national affairs (for example, defence, trade, communications), common to the whole group of British North American Colonies, and therefore incapable of being effectively handled by any single Colony. Many of them believed that federation would be the main factor in building up a Canadian national sentiment—a consciousness of unity springing from the fact of high purposes pursued in common, and a wider loyalty binding together, each to each, Nova Scotian, French Canadian, and United Empire Loyalist. They saw, too, that only by creating a Canadian state exercising all the powers of a state, could the inhabitants of the Colonies in Canada be given a sufficiently wide field of action and of responsibility to enable them to raise themselves above dependence, and to the level of human dignity reached by, say, the citizens of the United States, or of the United Kingdom. Nationalism thus meant the end of colonialism. But it did not necessarily mean the formal severance of the connection with the Mother Country. That connection, as all parties agreed, should be strengthened rather than weakened; but the more far-sighted leaders realised that it could not safely be strengthened unless it were rebuilt upon a new basis—that of free co-operation between virtually independent states.

There was, it is true, much unthinking assent to statements that federation would make no change, must make no change, in the colonial status. It was even possible for a member of the Canadian Legislature to be so sunken in colonialism as to say in the debates of 1865: "I believe there is nothing more "ardently to be desired—no greater glory attainable than for "these colonies remaining for all time to come, as we are now, "dependencies of Great Britain."[1] Acquiescence in phrases

[1] *Confederation Debates* (1865), p. 810. Quoted by Ewart: *Kingdom Paper*, No. 21 (1917).

implying a continuance of the old subordinate colonial status, must not however blind us to the fact that the average view was closer to Canadian nationalism than to British colonialism, and that the latter was fast yielding to its rival. It is not uncommon to find politicians linking together in their minds a venerable political tradition with a young rival principle, without taking the trouble to see whether the two can really be reconciled. In this case it was not easy to see at a glance that the new principle was necessarily an enemy of the old. Those who were content to look only at the surface of things would note that outwardly the old forms remained the same. The new Dominion, like the old Colonies, was to remain subject to the over-riding authority of the British Parliament. Its very constitution was to be in form a British statute which Canadians had no legal power to amend. The Canadian provincial politician was human enough to be wonderfully comforted when he found the track of old familiar forms across the face of the new. In truth it was hardly fair to expect from the average politician any very clear view as to the ultimate meaning of Canadian federation. The formation of a national federal government within the Empire was a new departure in British colonial history, and it was difficult for even the wisest statesmen in Canada or in England to see precisely what effect it would have upon the future relations between the two countries.

But although it was impossible to foresee the exact changes which federation would make in Canada's relations with the United Kingdom, the general line of development was clear enough to the more far-sighted of the Provincial leaders. It is important to notice how confidently they predicted, in the debates and speeches which preceded federation, that this step would make Canada in a few decades one of the great states of the world. Continually and in almost identical phrases they referred to federation as "the "foundation of a great state which might be rated as at "least the fourth nation of the world."[1] None of these

[1] The Hon. George E. Cartier, the French Canadian leader, in Whelan: *The Union of the Provinces*, pp. 24 and 10 (quoted by Ewart, *op. cit.* See also the many similar examples quoted by Ewart from most of the Confederation leaders, *ibid.*, pp. 369–71).

leaders saw the ideal of a Canadian nation more clearly or pursued it more earnestly than Sir John Macdonald,[1] first Prime Minister of the new Dominion, an office which he continued to hold, save for a short break of five years, from 1867 till his death in 1891. In view of his unique position amongst Canadian statesmen, the views of Macdonald are well worth study.

Macdonald regarded federation as implying the final abandonment of the old theory which looked upon a colony as an outlying portion of the British realm. In his view federation would enable Canada to rise from a position of dependency to what would be, to all intents and purposes, the full stature of an independent state. Not that he entertained for a moment the idea of severing the British connection : he had too high a sense of its value to take such a step, and was too shrewd a politician not to know how strongly the majority of the Canadian people were attached to the Mother Country. His problem, therefore, was to discover some solution which would enable Canada to reach her full national development, but which would not necessarily involve her formal severance from the British Empire. The solution which suggested itself to his mind was to seize the opportunity of federation to found "the Kingdom of Canada." There is no one place in the records of federation in which we can find a full and reasoned account of this famous project. Several times in public speeches Macdonald made guarded references to his scheme. Thus on one occasion he described federation as "the noble "object of founding a great British Monarchy in connection "with the British Empire, and under the British Queen."[2] His caution in referring to his scheme was due to the fact that he was well aware of the danger of arousing violent controversy in Canada upon any of the main proposals of federation. Colonialism was still sufficiently strong to upset—by a violent outcry against the alleged separatism of the term

[1] Then Mr. J. A. Macdonald. With Cartier, Macdonald was the leading figure in the Canadian Cabinet, and became the first Prime Minister of the new Dominion.

[2] Whelan, *op. cit.* Quoted by Ewart, *op. cit.*, p. 369.

" Kingdom of Canada "—the delicate adjustments so carefully made between conflicting provincial interests.[1]

For anything like a clear statement of Sir John's plan we are reduced to reliance upon the statements of critics of the federal proposals. These proposals, as embodied in the Quebec Resolutions (1864), were introduced by Sir John Macdonald in the Legislative Assembly of the Province of Canada in 1865, and were passed after a lengthy debate. One of the main criticisms was that on certain important points the Resolutions were much too vague. " As to the state that " is to be created," said the Hon. Christopher Dunkin in the course of an elaborate criticism of the proposals, " we are " left in the most delightful ambiguity. We may be honoured " with the dignity of a kingdom, or of a vice-royalty, or of we " know not what. All we are assured of is it is to be some- " thing better, higher and more grand than we now have."[2] By piecing together various bits of evidence from the speeches of Sir John Macdonald and of one or two of the other leaders, this critic seems to have arrived at a fairly clear idea of their plan, which he sets forth as follows : " . . . Disguise it how " you may, the idea that underlies this plan is this, and " nothing else—that we are to create here a something— " kingdom, vice-royalty, or principality—something that " will soon stand in the same position towards the British " Crown that Scotland and Ireland stood in before they were " legislatively united with England ; a something having no " other tie to the Empire than the one tie of fealty to the " British Crown. . . ."[3] He went on to draw the dismal

[1] Cf. a letter written by Sir John just before his departure for England in 1866. Pope : *Memoirs*, etc., Vol. I, p. 308.

[2] *Confederation Debates*, p. 488. Quoted by Ewart, *op. cit.*

[3] *Ibid.*, p. 527. In this connexion the reason given by Macdonald for the deliberate choice of the term " House of Commons " to designate the Lower House of the Federal Parliament is worth notice. He said that the term was chosen because it showed " that it represents the " Commons of Canada, in the same way that the English House of " Commons represents the Commons of England, with the same " privileges, the same parliamentary usage and the same parliamentary " authority". It was thus intended to be a co-ordinate rather than a subordinate body.

conclusion that Federation must either lead to the "sheer "utter impossibility" of "legislative union" or else to "entire separation"; and rather than face either alternative, he preferred to leave things as they were.

In his speech[1] introducing the Resolutions Sir John Macdonald was as usual very guarded in his references to the "name and rank" of the proposed federation. Her Majesty was to decide "whether we are to be a vice-royalty "or whether we are still to retain our name and rank as a "province"; but, well knowing that he and his fellow-delegates would be in London to see that Her Majesty took the right decision on such a vital point, he had "no doubt . . . "that the rank she will confer upon us will be a rank worthy "of our position, of our resources, and of our future."[2] He laid great emphasis upon the unanimity with which the delegates had expressed "their desire to remain connected "with Great Britain."[3] But his repeated use of such terms as "viceroy," "vice-royalty," "great nation," "friendly nation," and so forth, and his striking references to the nature of the bond as that of "a healthy and cordial "alliance"—show fairly clearly what he had in his mind when he spoke of maintaining the connection. His conception was that of a group or "alliance" of equal and autonomous states linked together by a common Crown.

What became of "the Kingdom of Canada"? It was defeated by the Colonial Office in 1867. The story is referred to briefly by Pope in his *Memoirs of Sir John Macdonald*:[4] "Mr. Macdonald, impressed with the importance of the "monarchical term, made every effort to retain it; but for "the reason which he relates, the Imperial authorities would "not consent to its use."[5] Pope comments on "the want of "appreciation shown by the Imperial authorities of the

[1] *Confederation Debates* (1865) reprinted (in part) in Egerton and Grant, *op. cit.*, and (in full) in Keith: *Selected Speeches and Documents on British Colonial Policy*, Vol. I.

[2] Keith, *op. cit.*, pp. 321–22; cf. p. 296.

[3] *Ibid.*, p. 295.

[4] Vol. II, pp. 311–13.

[5] The reason was the fear of Lord Derby, then Foreign Minister, that the term Kingdom "would wound the sensibilities of the Yankees."

" great work in hand. . . . Their idea of what was to be " attained fell far short of the lofty conception of Mr. " Macdonald. He was intent upon founding a kingdom, " they upon effecting an arrangement which would result " in the simpler administration of the Colonial Office." Sir John's own view of the events of 1867 is well set out in a remarkable letter written to Lord Knutsford in July, 1889.[1] After a lapse of more than twenty years the veteran statesman still refers regretfully to the " great opportunity " which was lost in 1867, owing to the lack of sympathy shown by the Imperial authorities : " The union was treated by them as " if the B.N.A. Act were a private Bill uniting two or three " English parishes. Had a different course been pursued— " for instance, had united Canada been declared to be an " auxiliary Kingdom, as it was in the Canadian draft of the " Bill,[2] I feel sure (almost) that the Australian Colonies " would, ere this, have been applying to be placed in the " same rank as ' The Kingdom of Canada.' "

The fact that the British Government should have welcomed " with cordial satisfaction " the project of Canadian federation when it first became a practical issue, and should have done all in their power to bring it to fruition, showed that they had learned the more important part of the lesson of 1776.[3] They had abandoned, as a necessary consequence of their acceptance of the principle of Responsible Govern-

[1] *Ibid.*

[2] It is apparent from Pope : *Confederation Documents*, that the term Dominion was a compromise between the ideas of the Canadian delegates led by Sir John, and the ideas of the law officers of the Crown working under the direction of the Colonial Office. The law officers wished to retain the term " Colony," while the delegates sought to adopt the term " Kingdom." The struggle which ensued, as shown in the series of parallel drafts drawn up by both parties, is well set out by Ewart : *Kingdom Papers*, Vol. II, pp. 382–3. The first draft prepared by the law officers provided that " the said *Three Colonies* " shall henceforth form and be *One Colony* " ; whilst the first draft of the delegates in which the blank left for the " rank and name " was filled up, provided that " the said Provinces . . . shall form and be " one dominion under the name of the *Kingdom of Canada*."

[3] Cf. Despatches from the Colonial Secretary to the Canadian Governor (1864–5), Keith. *op. cit.*, I, pp. 264–8, 329–34.

ment, the old policy of *divide et impera*. They now sought to encourage (and even to impose) federation, and not merely in Canada, but also in Australia (1847–50), and in South Africa in the seventies. But the "Kingdom of Canada" episode makes clear that they had not yet learned the lesson of 1776 completely; they were not yet prepared to recognise a federation as something more than a subordinate colony, or to admit it as a state potentially equal in status to the United Kingdom.

The defeat in 1867 was perhaps inevitable when we remember the conditions of the time. Sir John Macdonald needed a Canadian nation to support him in his struggle with the idea of British supremacy which still lingered on in Downing Street. But there was as yet no Canadian nation: even the name "Canadian" was bitterly resented in the provinces of Nova Scotia and New Brunswick.[1] It may well be that this defeat, and the realisation of its meaning, played no small part in stimulating Sir John and his colleagues to place in the forefront of their programme, all through the latter part of the Nineteenth Century, the development of Canadian nationhood. It was in the early days of federation that far-seeing Canadians formed a "Canada First" party, with the object of teaching "the duty of Canadians to "Canada," and of stimulating the growth of a national sentiment. "It must not be supposed," said one of their leaders in 1870, "that the growth of a national sentiment will have "any tendency to weaken the connection between this country "and Great Britain. On the other hand it will strengthen "and confirm the bond of union."[2] The construction of the Canadian Pacific Railway (decided upon in 1870 and completed in 1885) was the first great enterprise of the Dominion, and it was definitely undertaken by the Macdonald Ministry as a measure essential to the building up of a Canadian nation.[3] It was with the same object in view that the Conservative party in 1878 adopted the "National Policy" of a protective tariff for the encouragement of Canadian industry,

[1] Denison: *Struggle for Imperial Unity*, Ch. I.
[2] Denison, *op. cit.*, p. 52.
[3] Tupper: *Recollections*, etc., p. 124 ff.

and as a means of remedying in some measure the commercial dependence upon the United States, which appeared to hinder and at times even to endanger the growth of Canadian nationalism.

To the same end a delegation of the Canadian Ministry, on a visit to England in 1879 under the leadership of the Prime Minister, Sir John Macdonald, prepared a remarkable Memorandum.[1] This document drew the attention of the British Government to the great changes which had come almost silently in the status of Canada. The increasing importance of the national affairs of Canada made it essential that there should be close personal consultation between the governments. Furthermore the growing trade and commerce of the Dominion with foreign nations was proving "the absolute necessity of direct negotiation with them for the proper "protection of her interests." The Memorandum therefore urged that a "Resident Minister" should be appointed at the "Court of St. James," who should communicate directly with the British Government, and who "should be duly "accredited to foreign courts" for the negotiation of commercial treaties between Canada and foreign countries. The closing words of the Memorandum are important. They show how steadily Sir John and his colleagues were keeping before them the ideal of nationhood and alliance which formed the basis of the original project of the "Kingdom of Canada." "The Canadian Government," the Memorandum concluded, "attach great importance to this matter [the appointment of "a Resident Minister] and hope that Her Majesty's Govern- "ment will see no insuperable difficulty in giving the Canadian "representatives a diplomatic position at the Court of St. "James, and of exerting its influence to obtain the recognition "of such a position for him among the *corps diplomatique*. "The sooner the Dominion is treated as an auxiliary power, "rather than a dependency, the sooner will it assume the "responsibilities of the position, including the settlement of "its contribution to the defence of the Empire whereon and

[1] Quoted in *Life of Sir Charles Tupper*, Ed. by Saunders, Vol. I, pp. 275–7. Cf. also Keith: *Select Speeches*, etc., Vol. II, pp. 143 ff. (Memorandum and correspondence.)

" wherever assailed." The immediate result of this Memorandum was the creation of the office of High Commissioner for Canada, and a few years later in 1884 Sir Charles Tupper as High Commissioner " obtained for Canada the right to nego-" tiate commercial treaties with foreign countries."[1]

Thus by gradual steps Canada grew to nationhood. There were still the ultimate questions of foreign policy, of peace or war between herself and foreign powers, over which she had no direct control. But her indirect control over these matters was steadily growing. Even in the last two decades of the Nineteenth Century Sir Frederick Pollock's description of the Dominions as " separate kingdoms having the same " king as the parent group, but choosing to abrogate that " part of their full autonomy which relates to foreign affairs " —had for practical purposes become true of Canada. She had almost become adult, but she had not yet asserted her full voice in the family councils. As a mark of her growth even within the short space of the first two decades after federation, it is interesting to notice the contrast between the attitude of American statesmen at the beginning and at the end of this period. In 1871 Sir John Macdonald had the greatest difficulty in persuading the American Commissioners that the approval of the Treaty of Washington by Canada was something more than a mere formality. Thus we find him writing to his colleague Dr. Tupper: " When Lord de " Grey [one of the British Commissioners] tells them that " England is not a despotic power, and cannot control the " Canadian Parliament when it acts within its legitimate " jurisdiction, they pooh-pooh it altogether."[2] Very different is the note struck by the American Secretary of State in a letter to Sir Charles Tupper written in 1887, only sixteen years later. " Well Sir Charles, the confederation of Canada and " the construction of the Canadian Pacific Railway have " brought us face to face with a nation, and we may as well " discuss public questions from that point of view." [3]

[1] Tupper: *Recollections*, Ch. IX.

[2] Pope: *Sir John Macdonald*, Vol. II, p. 132.

[3] Tupper: *Recollections*, Ch. IX (" The National Evolution of Canada ").

III. THE GROWTH OF AUSTRALIAN NATIONHOOD

The position of the Australian Colonies was very different from that of the British North American Colonies. In the former there was nothing corresponding to a French Canada. Australia affords the finest and purest example of British racial expansion; the foreign element in her population is negligible.[1] In the Nineteenth Century there was no great nation like the United States looming over her borders, and forcing on the early formation of a national government as the only means of preventing absorption. Had it not been for the broad shelter of the British sovereignty, national unity might have been forced upon Australia long before the close of the Nineteenth Century. Founded at immense distances from each other along the shores of a continent, the six colonies grew up in somewhat jealous isolation. The circumstances attending the separation of Victoria and of Queensland from the mother colony, New South Wales, led to a long period of friction between these three colonies. This intercolonial jealousy did much to defeat the early efforts of British, and afterwards of Australian, statesmen to bring about federation. Barriers instead of being broken down, were carefully built up between the colonies. Railways which ought to have slain the greatest enemy of federation, distance, were built upon different gauges, and were made to serve provincial rather than national needs. The growth of separate tariff walls caused further friction, and added to the disunity.

But however much it may have seemed so for several decades, time was not on the side of the provincialist. There were those like Sir Henry Parkes, who, looking beyond their immediate horizon, saw a rising tide of national consciousness which was to sweep away the barriers set up by narrow provincial jealousies between fellow Australians. The desire for national unity was partly caused by the pressure of external events. The expansion of Russia to the shores of the North Pacific, the intrusion of France and Germany into Australasian seas, and the fear that New Guinea—related

[1] At present it is only about four per cent. of the total population.

geographically to Australia as Ireland is related to Great Britain—might be occupied by Germany, had largely helped to bring about the formation of a Federal Council in 1883. But the part played by such external pressure in bringing about federation was insignificant when compared with the forces working from within. As the authors of the great commentary on the Australian constitution have pointed out, the United States, Switzerland, and Germany (one might add South Africa) . . . "were drawn together under "the shadow of war . . . But the Australian Commonwealth "came into voluntary being through a deep conviction of "national unity."[1] The process was the reverse of that which has just been described in the case of Canada. In Canada a national government created a nation, whereas in Australia a nation created for itself a national government. It was to the call of phrases like that of Sir Henry Parkes : "the crimson thread of kinship runs through us all," or like that of Mr. Barton's "a continent for a nation, and a "nation for a continent," that the Australian people responded, sweeping aside politicians who sought to keep them in the backwaters of provincialism.

But though the process might differ in each case, the final result was the same—the welding together of scattered colonies into a nation, conscious of common purposes which transcended local divisions, and provided with the machinery of government needed to achieve these purposes.

IV. THE COLONIAL IDEAL OF ALLIANCE

The word "nationalism" has a taint about it due to its association with the "one nation one state" doctrine of the Victorian era. It seems to imply something which is the antithesis of inter-nationalism—the egotism of a people which desires to build about itself a wall of sovereignty as a means of isolating itself from other nations and of forcing into conformity with a dominant "Kultur" any national

[1] Quick and Garran: *Annotated Constitution of the Australian Commonwealth*, pp. 225–6.

minority which is unfortunate enough to be e[illegible] the wall. But on the whole it is fair to say that [illegible] alism of the Dominions is neither exclusive nor a[illegible] Its whole history shows that it is not a separatist m[illegible] —if we distinguish, as we should, separatism from [illegible]sire for partial or complete autonomy. Colonial nationalism is, indeed, but one side of a shield, the other side of which is loyalty to the idea of co-operation between the various sections of the English-speaking race.

For the finest illustration of these two complementary principles, we must turn to the lives of the great colonial statesmen. We have seen how earnestly Sir John Macdonald sought to make Canada a great nation. But Canadian nationalism was only one of his two master purposes. His biographer has pointed out how both his first and his last election addresses sounded a note of fervent loyalty to the British connection.[1] His first public declaration in 1844 expressed the " firm belief that the prosperity of Canada " depends upon its permanent connection with the Mother " Country " ; his last words to the people of Canada in 1891 were a cry of indignation against the " veiled treason " of the party which he accused of aiming at closer union with the United States at the expense of the British connection. The two master purposes which stand out so clearly from the life of Sir John Macdonald, may be seen also in varying degrees in the lives of most of the other eminent Canadian statesmen, and they are apparent also in the lives of the great statesmen of Australasia. Sir Henry Parkes, the statesman whose position in Australia approached perhaps most closely to that of Sir John Macdonald in Canada, could say in 1892, at the end of his long career, that he had striven above all for two things : on the one hand he had worked " to promote the sentiment and to strengthen the nascent " ties of Australian union " ; and, on the other, he had " clung to the idea of the expanding greatness and integrity " of the Empire."[2]

[1] Pope : *Sir John Macdonald*, Vol. I, p. 32, and Vol. II, pp. 332–6.

[2] Parkes : *Fifty Years in the Making of Australian History*, Vol. II, p. 383.

When we come to inquire along what lines such statesmen, and thinkers in the Colonies generally, attempted to reconcile these two strongly held, and, seemingly, divergent purposes, we do not discover any very precise answers to the problem. As I have already pointed out, there was during the latter part of the Nineteenth Century far less speculation in the Colonies than in England as to the nature and solution of "the Imperial problem." Colonial statesmen were keenly aware of the rapidity and extent of the changes which were taking place in the relations of the Colonies to England, and they saw how difficult it was to predict the course of such changes. But so far as they did venture to find an answer for the problem, their answer was in striking contrast to that which held the field in England. Their solution was what they called, not very aptly, "Alliance" as against the dominant English solution, Imperial Federation. The vague connotation of the phrase Imperial Federation during the early movement somewhat obscures the boldness of this contrast. The fact that the chief exponents of Imperial Federation in England could make out a goodly list of colonial statesmen who at one time and another had confessed themselves federalists, was not, as I have already shown, of very great importance. It did not mean that there were many colonial statesmen who believed a parliamentary federation of the Empire to be practicable, or who, even if they had considered it practicable, would have welcomed it as desirable. Imperial Federation continued to be a comfortable phrase for some Colonists, only so long as it remained vague, or rejoiced in such a multitude of interpretations that each believer could make his selection and join in the throng with a light heart and without offence to his own principles.

The evidence of Sir Charles Dilke as to the state of feeling in the Colonies, round about 1890, on the question of Imperial Federation is well worth study. His unique knowledge of the political conditions of the Empire, gained, as it was, at first hand and over a long period of years, enabled him to speak with authority on this question. He points out that while "many of the leading colonists and distinguished

" politicians that Greater Britain has produced are in favour " of Imperial Federation . . . some of the communities they " represent on other questions seem on this one disinclined " to follow their lead . . . " [1] His evidence with regard to popular feeling in Australia and Canada is valuable. " The " references made to Imperial Federation by those of the " leading men of Australia who are in favour of it are not " taken up by popular feeling, and their authors are often " looked upon as politicians of the past or ridiculed by the " press for adherence to impracticable views. . . . Among " the old settlers the leaning towards closer relations with " the mother country is connected with a conservatism in " politics and in matters of property which places them out " of sympathy with the ruling democracies of the Australian " colonies ; while the native-born Australians look upon " imperial affairs with a languid interest. . . . " [2] Sir Charles Dilke describes the tour of the envoy sent to Australia in 1889 by the Imperial Federation League with the object of popularising their gospel amongst Australians. He " was " well received throughout Australasia except at a public " meeting in Sydney ; but he made few converts, and Imperial " Federation is now very generally described in the eastern " colonies of Australia as ' the subjection of Australia to " ' England.' "

With regard to Canada Dilke's conclusion is much to the same effect. " Such willingness to ally themselves to the " cause of Imperial Federation as has been found among the " Canadian electors is largely based upon the desire for a " wider market, and when it is seen as there is reason to " fear must be the case, that commercial union is as little " practicable as Lord Rosebery has already called it, this main " support of the imperial unity idea in Canada will fall

[1] *Problems of Greater Britain*, 4th ed. (1890), p. 636. It should be noted that Dilke did not confine the term Imperial Federation strictly to parliamentary federation.

[2] *Ibid.*, pp. 636–7. Cf. p. 642: " . . . The representatives of the " colonial workmen seem to think that Imperial Federation is an " upper-class movement chiefly favoured by the Court and the " aristocracy, and the view is calculated, if Federation is strongly " pushed, to arouse among colonial artizans a separatist movement."

"away." [1] This conclusion is borne out by the fact that even the Canadian branch of the Imperial Federation League soon lost interest in the question of parliamentary federation and concentrated its attention upon the question of Imperial Preference.[2]

Sir John Macdonald and Sir Henry Parkes, the two statesmen who most closely reflected popular feeling in Canada and in Australia, both agreed in condemning the idea of Parliamentary Federation for the Empire, although, as we have seen, both were anxious that their peoples should remain in the closest touch with the people of the United Kingdom. Sir John Macdonald was a member of the Imperial Federation League and heartily favoured "closer union," but, says his biographer, during the last years of his life he would speak thus: "The proposal that there should be a "Parliamentary Federation of the Empire I regard as "impracticable. I greatly doubt whether England would "agree that the Parliament which has sat during so many "centuries at Westminster should be made subsidiary to "a federal legislature. But, however that might be, I am "quite sure that Canada would never consent to be taxed "by a central body sitting in London, in which she would "have practically no voice. . . ."[3]

The mature opinions of the leaders of the Canadian Liberal party, such as Edward Blake and Sir Wilfrid Laurier, were no less decisive on this point; though both these leaders in their earlier years seemed to have leaned towards some vague kind of Imperial Federation. Witness the way in which Blake (once leader of the Dominion Liberal Party) spoke in the British House of Commons in 1900:

"A quarter of a century past I dreamed the dream of "imperial parliamentary federation, but many years ago I "came to the conclusion that we had passed the turning

[1] *Ibid.*, pp. 639–40.

[2] See Denison: *Struggle for Imperial Unity.*

[3] Pope: *Sir John Macdonald*, Vol. II, pp. 214–22. Cf. *Life of Sir Charles Tupper*, Vol. II, p. 38; Sir John writes thus to Tupper in 1884: "I don't believe that a practicable scheme can ever be worked out for a *legislative* Confederation of the Empire. . . ."

" that could lead to that terminus, if ever, indeed, there was " a practicable road. We have too long and too extensively " gone on lines of separate action here and elsewhere to go " back now. Never forget that the goodwill on which you " depend is due to local freedom, and would not survive its " limitation." [1]

The reasons why the idea of Imperial Federation was rejected by the masses of the people in the Colonies, and by the majority of their statesmen, are not far to seek. Australians and Canadians were immigrant peoples. The memory of their migration was not yet dead. The feeling of the waste of ocean over which they, or their immediate ancestors, had passed was fresh with them. They realised as neither English statesmen nor the masses of the English people could ever realise, the meaning of distance. They knew that neither the telegraph, nor the steamship, nor any scientific discovery, had yet in any true sense annihilated distance for the masses, though such inventions had in a sense bridged the seas and the continents for those fortunate individuals who were able to use the costly services of cable, railway, and ocean liner. As Sir Charles Dilke pointed out, Imperial Federation was welcomed mainly by such fortunate individuals, but for the people at large it was taken to mean the subjection of their countries to England. To immigrant peoples who knew the meaning of distance, who valued supremely their growing nationhood, and yet realised how small and scattered were the populations of Canada and of Australia compared with that of the United Kingdom—the idea of legislative federation binding them indissolubly to the United Kingdom, might well have seemed a return in a different guise to the period of British supremacy from which Responsible Government had delivered them.

The majority of Australians and Canadians were willing, even eager, to continue in close co-operation with the people of the United Kingdom, and to maintain the formal unity of the British Empire, but they wished to be regarded as citizens of friendly allied states rather than as small minorities

[1] Quoted by J. W. Dafoe in *The New Era in Canada* (1917), pp. 284–5.

of overseas Britons subordinated with an Imperial superstate " to the will and command of those who stay at home."[1] The attitude which the young nations of the Empire expected from British statesmen was the attitude adopted by Joseph Chamberlain in his Glasgow speech in 1903: " And when I " speak of *our* colonies, it is an expression; they are not " ours—they are not ours in a possessory sense. They are " sister States, able to treat with us from an equal position, " able to hold to us, willing to hold to us, but also able to " break with us."

For a full expression of the colonial ideal of alliance we must go back to the great speech in which Sir John Macdonald, in 1865, marked out the path along which " The Kingdom " of Canada," the first of the Dominions, was to travel. " Some," he said, " are apprehensive that the very fact of " our forming this union will hasten the time when we shall " be severed from the mother country . . . I am strongly " of the opinion that year by year as we grow in population " and strength, England will more and more see the advan- " tages of maintaining the alliance between British North " America and herself. I am proud to believe that our " desire for a permanent alliance will be reciprocated in " England. . . . The colonies are now in a transition stage; " gradually a different colonial system is being developed— " and it will become, year by year, less a case of dependence " and more a case of a healthy and cordial alliance . . . " Instead of looking upon us as a merely dependent colony, " England will have in us a friendly nation—a subordinate " but a powerful people—to stand by her in North America " in peace or war." [2] These words were spoken half a century ago, and few words spoken since have summed up more clearly the Dominion ideal of the Empire as a group of free and equal states.

But although the Colonies rejected parliamentary federation, and freely used the term " alliance " to express their ideal as to the correct relationship, alliance in the ordinary sense of

[1] Egerton: *Colonial Policy*, p. 58. The words were used in 1651 by the people of Barbados in a protest against English interference.

[2] Keith, *op. cit.*, Vol. I, pp. 322–5.

the term fell far short of their desire. What they wanted was a form of intimate co-operation which went far beyond an ordinary alliance. The immediate problem was by what method (federation being rejected) could such co-operation best be secured? The solution of this problem was the invention of the Imperial Conference, and the slow elaboration, in the three decades from 1887 to the present day, of a new method of settling international relations—the method of regular conferences between cabinets.

Thus in the second half of the Nineteenth Century the British Empire began to perceive the solution of the two great problems, the failure to solve which in the previous century had led to the disaster of 1776. The main step towards solving the first was Canadian Federation in 1867; the solution of the second began with the summoning of the Colonial Conference of 1887. By a curious irony of fate the first definite steps towards setting in motion the great machinery of Co-operation which was to mark the triumph of the Colonial ideal of "Alliance" over the English ideal of Imperial Federation, was taken by the Imperial Federation League. In 1886 a deputation from this body waited upon Lord Salisbury and urged the summoning of a Colonial Conference which, it was suggested, should discuss means of securing the closer federation of all parts of the Empire.[1] By an equally curious irony of fate the one thing definitely excluded from the agenda of the Conference when it met in 1887 was the question of Imperial Federation.

[1] Rusden: *History of Australia*, Vol. III, p. 487.

CHAPTER V

THE IMPERIAL CONFERENCE, 1887–1911, AND THE DEVELOPMENT OF DOMINION NATIONHOOD

I. THE METHOD OF CONFERENCE

IT is only now, after more than thirty years' experience, that we are realising the true significance of the Colonial Conference which met in London in 1887. As we can see now the Conference was the beginning of a unique experiment in international government, an experiment which has been full of suggestion for those who in the last years have been seeking a solution of the wider problem of a League of Nations. It is the purpose of this and of the following chapters to show how, with the growth of nationhood in the Dominions, the Imperial Conference has become more and more an organ of international government. Attention will be directed especially to the following points: (a) the development of the Imperial Conference as an institution, with particular reference to the method of government adopted at the outset in 1887—the method, that is, of consultation between governments followed by executive action on the part of the governments concerned; (b) the steadfast refusal of the Dominions, and to a less extent, of the United Kingdom (a refusal much more emphatic in 1917 than in 1887) to take any step towards the adoption of the more stringent method of centralised government known as Imperial Federation; (c) the extent to which the Imperial Conference, and its kindred organs of government, have succeeded in providing an effective and satisfactory method of dealing

with the relations of the Dominions and the United Kingdom to one another and to the rest of the world.[1]

There is some danger of misunderstanding involved in the natural tendency to describe the Colonial Conference of 1887 as "the first of a series," the first "session" of an institution now known as the Imperial Conference. The first three principal conferences were more or less appendages of three great Imperial festivals, the Jubilee of 1887, the Diamond Jubilee of 1897, and King Edward's Coronation in 1902. The story of the Imperial Conference is the story of how a number of more or less casual meetings gradually fell into place in men's minds as successive stages in the growth of a single institution, and of how that institution, slowly becoming conscious of itself, provided itself with rules of procedure, and a regular constitution.

The Conference of 1887, though on the surface it had the air of a casual meeting made possible by the fact that colonial representatives happened to be present at the Jubilee, was an expression of deeply felt needs, and had a closer relation to the thought of the time than has generally been realised. Let us try to understand the way in which the minds of British and Colonial statesmen were working, and how they came to hit upon the new method of conference between governments as the way out of their difficulties.

In the previous seven years the Empire had passed through a number of difficult crises. Friction arising out of the partition of Africa, and the activity of Germany, France, and Russia in the Pacific had revealed the existence of questions, such as foreign policy, defence, and communications, with which the existing methods were wholly inadequate to deal. Since they were questions common to England and the Colonies, they had to be dealt with either by a single authority able to act for the whole Empire, or, failing this,

[1] The term Imperial Conference, though used throughout this chapter for the sake of convenience, only applies, strictly speaking, to the Conference of 1911 and its successors. The constitutional Resolution passed in 1907, substituted the term "Imperial" for "Colonial" as the official designation of the Conference. This resolution also adopted the term "Dominion" (hitherto applied only to Canada) as the official designation of the self-governing overseas members of the Conference.

by co-operation between the Governments. There were only two ways of securing such a single authority. One was the continuance and strengthening of the existing authority of the British Government. The other was the creation of an Imperial Federal Parliament. But neither of these ways was acceptable to the Colonies. There remained therefore only the second alternative, co-operation between governments. How even the minds of outstanding federalist leaders worked towards this conclusion, is shown by the following quotation from a letter written in 1885 by W. E. Forster, the first President of the Imperial Federation League : " . . . We had better aim at concert amongst Governments, " rather than at an Imperial Parliament ; . . . distance does " prevent a member from being fully in touch with his " constituents." [1]

There were two ways in which " concert amongst govern- " ments " might be attained : (1) the governments might work through intermediaries ; or (2) they might meet face to face. The first method was the normal one employed by states to deal with questions of foreign policy. It was only upon the rarest occasions that the Foreign Ministers gathered together in conference. The usual practice was for each Foreign Minister to remain in his own capital, and to conduct his business with foreign governments and countries by means of his diplomatic and consular agents. The impossibility of evolving common policies to meet the common needs of humanity, by a method which left the framing of those policies to a score or two of Foreign Secretaries and other ministers scattered over the world and only coming into contact with each other through three thicknesses of misunderstanding—letter, telegraph, and diplomatic agent—was not yet clearly recognised in the outer world of states. But in the intimate society of kindred states known as the British Empire the limitations of the method of diplomacy were becoming obvious to most who had given thought to the subject.

This method has been for many years in operation in the British Empire. All the Colonies had their Agents General

[1] Reid : *Life of W. E. Forster*, Vol. II, p. 524.

in London through whom they communicated with the British Government. Canada had created the office of High Commissioner in 1879 as a means of securing "the fullest and most frank interchange of views" with the Home Government.[1] But even this extension of the diplomatic method failed to make it in any way adequate to satisfy the requirements of the Empire. It was the period when the full effects of the enormous changes in transport and communications, caused by the railway, the steamship, and the telegraph, were just becoming apparent. The effective exploitation of the vast fields of fruitful international co-operation, which the nations of the Empire saw dimly opening out before them, depended upon the adoption of some more satisfactory method of securing concerted action amongst the Governments.

A certain amount of thought had been given to the subject before 1887. I have already mentioned how, in the eighties, when the early Imperial Federation movement came unmistakably up against the barrier of colonial opposition, several of the leaders of that movement began to investigate the possibilities of the method of conference. The expedients most favoured were a council of Agents General, or, better still, a council of Resident Colonial Ministers. But such councils were conceived rather as advisory to the Colonial Secretary, than as conferences between the Governments. The idea of a conference between Governments more or less on a footing of equality seems hardly to have emerged at all.

Instead, however, of the *permanent* council, a council with clearly defined functions, a regular constitution, and a neatly mapped out future—which the publicists conceived—the Colonial Conference of 1887 was a casual, amorphous thing. It was a meeting without a constitution, and unaware of any settled future. No more remarkable example could be found

[1] See correspondence and memorandum already mentioned. Keith: *Selected Speeches*, etc., Vol. II, pp. 143–55. The Canadian Government insisted on the "quasi-diplomatic" character of the new office. The Colonial Governors also performed quasi-diplomatic functions by acting as channels of communication between the Colonial and the Home Governments.

of the empirical method which British statesmen have so aptly applied in building up the British Constitution. When they met for the first time in conference in 1887, both British and Colonial Statesmen had sufficient political sagacity to see that any attempt to define in precise terms the future of the experiment which they were making, would be folly. They knew that it was possible, though difficult, to embody much of the accumulated experience and wisdom of the British Constitution in a precisely worded written constitution like that of the Dominion of Canada. But they recognised that this was no precedent for their present task : experience drawn from the development of the single state was of no great value as a guide in the little explored and well-nigh trackless field of international government upon which they were entering. Like the Cabinet System, and Parliament itself, the Imperial Conference began as a temporary expedient, its form being dictated by the convenience of the moment and the requirements of the immediate task. The method of direct conference between governments having proved itself once, it was tried a second and a third time, modifications being made on each occasion in the light of experience. And thus, almost unawares, the expedient of 1887 grew into an institution.

II. THE CONFERENCE OF 1887

A matter which had to be disposed of at the outset was the question of the personnel of the Conference. Was it to be an organ of consultation between Governments, and therefore composed mainly or exclusively of Ministers of Cabinet rank ? Or was it to be merely an assemblage of prominent Colonials, called together for the purpose of ascertaining the views of the Colonies on the questions to be discussed ? There was some little hesitation on this point. The Colonial Secretary's preliminary despatch had spoken of the desirability of including Agents General, and also " any " leading public man who might be at liberty to come to

"England next year." [1] The question as to whether the representatives should be confined to Self-Governing Colonies or extended to Crown Colonies as well, was also a little uncertain. Representatives of Crown Colonies attended the opening ceremony, but not the subsequent meetings, which were confined to the Self-Governing Colonies. Moreover only representatives of the Governments attended these meetings. A number of the governments were, however, only indirectly represented; that is, they were represented by officials, such as the High Commissioner and Agents General, and not by Cabinet Ministers. From the outset, therefore, the Conference was one of "governments with "governments," but not, as it was to become later, a conference of cabinets with cabinets.

What was the status of the various governments thus engaged directly or indirectly in consultation? When we remember that in 1887 only Canada had established a national government; that even she was only just becoming conscious of her nationhood, and that all the other colonial governments represented at the Conference were merely provincial in character, it is easy to realise why there are few signs of even an attempt on the part of the colonial governments to assert equality of status with the United Kingdom. Despite a few faint protests the delegates were content to accept their inferior status and to appear as though they were representatives of outlying provinces of the Empire come to London to confer with their Metropolitan.

But the lack of self-assertion was due in the main to the care of the British Government not to make a display of its obvious superiority, nor to take advantage of its superior position to dictate in any way to the Colonial Governments. The lessons of the last hundred years had been well enough learnt to make the Colonial Office supremely anxious to avoid even any appearance of dictation. Hence the emphasis in Stanhope's despatch upon the fact that the Conference would "necessarily be purely consultative." [2] Hence also

[1] *Proceedings of Colonial Conference of* 1887, p. viii.
[2] *Proceedings*, p. viii.

his care to exclude from the agenda "what is known as "Political Federation." [1]

We have thus at the very outset a conscious choice of the method of co-operation between governments, and the express exclusion of the rival method of Imperial Federation, even as a matter for discussion. The reasons for this exclusion were indicated by the Colonial Secretary in his preliminary circular as follows:

"There has been no expression of Colonial opinion in "favour of any steps in that direction . . . and Her Majesty's "Government are of opinion that there would be no advantage "in the informal discussion of a very difficult problem before "any basis has been accepted by the Governments concerned." [2] In confirmation of this it is interesting to note that the New South Wales representatives received later a cable from their government forbidding them to take part in any discussion on Imperial Federation. But the subject, though formally excluded, was very much in the minds of many of the members of the Conference—especially those representing the British Government. The opening speech of the Prime Minister, Lord Salisbury, was typical of the general attitude of his government. He admitted that Imperial Federation was "a matter for the future rather "than for the present"; but he added: "These are grand "aspirations. I do not cast any kind of slur upon them "by calling them 'aspirations'—on the contrary, these "sentimental aspirations are not separated by any so deep "a chasm as people think from actual practical undertakings." [3] His speech showed little sign of any realisation that the problems to be discussed were international rather than national in character. His conception of the British Empire seemed to be that of a land-empire, which had unfortunately been broken up by the sea and scattered to the four corners of the globe. Imperial Federation was to be the means of re-uniting the scattered portions, so far as the sea permitted, under one central government; and the

[1] *Ibid.*
[2] *Ibid.*
[3] *Ibid.*, p. 5.

reunion, he seemed to think, might best be approached, as was the German Federation, by way of a Kriegsverein, or "Union for military purposes," and a Zollverein or "Customs "Union."

It was with the idea of building up such a "Union for "military purposes" that the United Kingdom entered upon the discussion of the question of defence. The Colonies had already to a large extent undertaken the responsibility for local defence. This was in accordance with the first part of the Resolution of the House of Commons in 1862 that "Colonies exercising the rights of self-government ought to "undertake the main responsibility of providing for their "own internal order and security, and ought to assist in "their own external defence." [1] But the principle expressed in the second part of this resolution was still far from being adopted by any of the Colonies. The aim of the British Government in 1887 was in the first place to co-ordinate, as regards organisation and equipment, the local defence forces of the Empire, having in view, as the Report said, the "rare" occasions upon which English and Colonial troops might be called upon to act together. Their second aim was to induce the Colonies to take some share in the general defence of the Empire. Lord Salisbury urged that "the "Colonies have a very real and genuine interest in the shield "which their Imperial connection throws over them, and "that they should have a ground for joining with us in "making the defence of the Empire effective. . . ." In principle no exception could be taken to this view. The British Government recognised that the Colonies were still immature, and were therefore willing to continue to guarantee their external defence. But it was obvious that the period of immaturity was ending, especially in the case of Canada; and it was therefore time that the larger Colonies should undertake at least a portion of their external defence. But this meant in practice that the Colonies were to be induced to accept the principle of contributions to an Imperial Navy, which was to remain as before wholly under the control of the Imperial Government. As might have been expected by

[1] Egerton: *Colonial Policy*, p. 63.

anyone in close touch with colonial feeling, the response was slight. Canada was content to rest upon the understanding made at the time of Confederation that she should be responsible for the land defences, whilst the Mother Country should undertake " the naval defences." The Australian Colonies alone were willing to accept any responsibility for their external defence. In 1881 an Australian Inter-Colonial Conference had decided that the duty of maintaining " the " Imperial Navy should rest on the Imperial Government, " which ought at its own cost to defend Australia by sea. " The Conference also pressed for an increase in the strength " of the squadron kept on the coast." [1] The Admiralty naturally did not appreciate this excessive spirit of dependence, and inquired whether the Australian Colonies were willing to assist in the upkeep of the squadron. As a result of the negotiations which followed, the Australian Colonies, at the Conference of 1887, offered a subsidy of £126,000 per annum towards the upkeep of the squadron. But they were careful to stipulate that the ships should be moved from Australian waters " only with the consent of the Colonial " Governments."[2]

Even this agreement (which was regarded by the English Government as " the most valuable decision arrived at by " means of the Conference " [3]) was received with some suspicion in Australia. It was denounced in Queensland " upon the ' national ' ground that it was ' a naval tribute ' " to another country, and that the Australian Colonies " should man and maintain their own fleets for their own " defence." [4] In 1887, and for the next twenty years, the Admiralty were successful in resisting any such national feeling, and in doing so they were maintaining the policy which they had clearly expressed during the negotiations with the Australian Colonies just before the Conference. The Admiral on the Australian Station who was charged

[1] Keith : *Imperial Unity and the Dominions*, pp. 315–16.

[2] *Proceedings*, p. 508.

[3] *Ibid.*, p. 10.

[4] Dilke : *Problems of Greater Britain*, p. 201. Cf. for N.S.W. opinion, Parkes : *Fifty Years in the Making of Australian History*, Vol. II, p. 233.

with these negotiations, was instructed in 1885 to bear in mind " that the object of Her Majesty's Government was to " encourage an extension of the Imperial navy rather than " separate Colonial navies . . . " [1] As we shall see, the growth of national feeling in the Dominions forced the Admiralty twenty years later to abandon this position, and to acquiesce in the creation of Dominion navies.

It cannot be too strongly emphasised that, unlike the Hague Conference, the Imperial Conference has never isolated defence and foreign affairs from the complex of international relations of which these form only a part. The nations of the Empire realised at the outset that inter-Imperial co-operation, if it was to be of any value, would have to extend to the every-day concerns of international life—to social and commercial relations, and to inter-Imperial communications. Thus the preliminary circular issued by the Colonial Secretary mentioned as suitable for discussion, not merely organisation for military and naval defence, but also vital peace interests, such as " the promotion of commercial and social relations " by the development of our postal and telegraphic com- " munications." [2] Accordingly the project of a state-owned and controlled Pacific Cable was set on foot by the Conference only to be realised in 1902 after a strenuous battle with the existing Cable Trust.[3] More important still, the long drawn out controversy over the question of " Imperial Reciprocity " was begun, and the young Protectionism of the Colonies began its assault on the citadel of Free Trade.

The Ottawa Conference, 1894.

There was some feeling amongst the delegates at the Conference of 1887 that this would be, as Lord Salisbury put it, " the parent of a long progeniture." Although no provision was made for the assembling of another Conference, issues had been raised which demanded further personal consultation between the various governments. Hence the

[1] *Proceedings*, p. 29.
[2] *Ibid.*, p. vii.
[3] See Jebb: *Imperial Conference*, Vol. I.

summoning in 1894, by the Canadian Government, of a second Conference which met at Ottawa. The Conference did not consider the question of defence and political relations but confined itself to peace issues. It carried the Pacific Cable project a step further, and mooted the proposal for what was afterwards known as the "All Red Route." Recognising that the value of steamship and cable depends on "the "accompanying trade," the Conference devoted much time to the question of Preference, and passed important resolutions which helped to clear the issue.

The Conference showed some slight improvements in organisation. It was more a Conference between governments than its predecessor, and an important constitutional resolution was passed to the effect that voting should be "by colonies." The fact that such a conference should have been summoned by the Dominion of Canada rather than by the Mother Country, shows how vital was already the spirit of co-operation between the self-governing portions of the Empire. It is worth noting, in passing, that the Ottawa Conference forms an interesting precedent to which the Empire may some day revert. On the theory of free co-operation between equal nations for which the Imperial Conference has come to stand, there is no real reason why its meetings should not take place occasionally in the Dominions.[1]

III. THE DIAMOND JUBILEE CONFERENCE, 1897

The Diamond Jubilee of 1897 was made the occasion of the meeting of a third Conference. Since only Prime Ministers had been summoned to the Jubilee, only Prime Ministers attended the Conference, which thus for the first time became, in a sense, a "Cabinet of Cabinets."

The chief significance of this Conference was that it witnessed the first tentative proposal, on the part of a British Government, that a step should be taken in the direction of Imperial Federation—a proposal which met with

[1] This point was strongly urged by the Australian Government at the Conference of 1911, and will doubtless be raised again.

a blunt refusal from the Colonial Premiers. The issue was raised by Joseph Chamberlain, who two years previously had deliberately chosen the hitherto slightly regarded office of Colonial Secretary, and by his force of character and his enthusiasm for the cause of Imperial Unity, had made it an office of the first importance. His speeches[1] show that he had long been a firm believer in the possibility and the desirability of Imperial Federation. The recent failure of the Imperial Federation League had shown him some of the difficulties in the way, and had convinced him that the goal must be approached along " the line of least resistance," by the way that is of a Zollverein or Customs Union.[2] These ideas were set out very clearly in speeches made in 1896, especially in a speech delivered at the Congress of Chambers of Commerce of the Empire. " If," he said, " we had a " commercial union throughout the Empire, of course there " would have to be a council of the Empire. . . . " Such a council would at first deal only with commercial arrangements, but gradually it would bring all important Imperial matters into its grasp. " Gradually, therefore, by that prudent and " experimental process by which all our greatest institutions " have slowly been built up, we should, I believe, approach " to a result which would be little, if at all, distinguished " from a real federation of the Empire. . . .[3]

The peculiar form of Customs Union which he appeared to favour, namely, complete free trade within the Empire, leaving at the same time each unit full freedom to make its own tariff against the foreigner—though it might have proved very acceptable to the United Kingdom, was impossible of realisation, because it would have conflicted violently with the protective systems which the young overseas nations felt to be vital to their national development. It was probably a growing realisation of this fact,[4] that induced Chamberlain in 1897 to leave his Zollverein project in the background, and to come forward cautiously with

[1] *Foreign and Colonial Speeches* (1897).
[2] Speech at the Canada Club (1896) ; Jebb, *op. cit.*, I, pp. 304 ff.
[3] Quoted in Jebb, *op. cit.*, pp. 310–11.
[4] Cf. *Proceedings* (1897), p. 10.

his proposal for an Imperial Council. In England, he said, the idea of Imperial Federation was "in the air," it lay with the Colonial Premiers to say whether the idea had gone as far with them. In any case it was not likely to be accomplished except "by gradual steps" and "after the lapse of "a considerable time." The central passage in his opening speech which deals with this proposal is as follows:

"I feel that there is a real necessity for some better "machinery of consultation between the self-governing "Colonies and the Mother Country, and it has sometimes "struck me—I offer it now merely as a personal suggestion— "that it might be feasible to create a great council of the "Empire to which the Colonies would send representative "plenipotentiaries—not mere delegates who were unable "to speak in their name without further reference to their "respective Governments, but persons who by their position "in the Colonies, and by their representative character, and "by their close touch with Colonial feeling, would be able "upon all subjects submitted to them to give really effective "and valuable advice. If such a council were created it "would at once assume an immense importance, and it is "perfectly evident that it might develop into something "still greater. It might slowly grow to that Federal Council "to which we must always look forward as our ultimate "ideal." [1]

As to exactly what form the discussion upon this momentous proposal took, we are rather in the dark, because no full report of the proceedings has ever been published. But the nature of the response made by the Colonial Premiers to a proposal which involved the abandonment of the method of free co-operation in favour of an Imperial super-state (and which incidentally involved also the abolition of the yet hardly self-conscious Imperial Conference) is plainly enough indicated by the resolution which was passed, the only dissentients being the Prime Ministers of two of the smallest Colonies, New Zealand and Tasmania: "The Prime Ministers "here assembled are of opinion that the present political "relations between the United Kingdom and the self-

[1] *Ibid.*, pp. 5–6.

"governing Colonies are generally satisfactory under the "existing condition of things."[1]

The whole passage is instructive. What was "the existing "condition of things" under which the "present political "relations" were regarded as generally satisfactory? There was in the first place the marked difference in national maturity between the various Colonies represented in the Conference. Canada was already a young nation; Australia was on the verge of nationhood; New Zealand, especially under the leadership of Mr. Seddon, was a mere overseas Cornwall. But the policy and the plans of the English Government made provision only for New Zealand: they made no provision for a nation such as Canada. The "existing political relations" between the United Kingdom and Canada were not really satisfactory because they restricted her national growth. She had to choose between absorption, or separation, or acquiescence in her existing dependence. There was obvious truth in the plea, urged so strongly by Chamberlain, that England was paying far more than her proportionate share towards the defence of the Empire. Yet the English Government still set its face sternly against the only method of assistance which, under the existing conditions, was compatible with the nationhood of either Canada or Australia—the method, that is, of local navies. When, therefore, the Admiralty passed round the hat amongst the Premiers for contributions, Canada made no response. Not encouraged to assist as an ally, though she showed some small signs of desiring to do so, she refused to pay as a tributary. The Australian Colonies, already pledged to pay, continued their "naval tribute"—but without enthusiasm.

IV. THE CONFERENCE OF 1902

The Conference of 1897 ended without any definite provision for regular meetings in the future, but its resolution affirming

[1] *Ibid.*, p. 15.

the desirability of " periodical conferences," marked a distinct step towards the crystallisation of the Conference as an institution. The next Conference was held in 1902—again partly as an appendage of an Imperial pageant, the Coronation of King Edward VII. Some further improvements in organisation were made. The Federation of the Australian Colonies in 1901 had reduced by five the numbers of units represented, and had thus made the Conference a more wieldy body. This valuable function of the British Empire—encouraging the creation of regional federations—was shown again in 1909 by the formation of the Union of South Africa, which still further reduced the number of units represented in the Imperial Conference. An important resolution was passed by the Conference of 1902 providing for regular meetings every four years. But the wording of this resolution showed that these meetings were still regarded as meetings between " the Secretary of State for the Colonies and the Prime " Ministers of the self-governing Colonies," rather than as consultations between equal governments.[1]

The five years between 1897 and 1902 had been years of wars and rumours of wars. The Boer War had run its course, and excited eyes had seen, as the storm shifted and changed, ugly possibilities of conflict with European powers. England was about to enter upon the last lap in the great race of armaments. But the Boer War had revealed the strength of feeling which bound together the Colonies and England ; and it had also revealed the military strength of the Empire. Hopes therefore ran high in England amongst the governing classes. Chamberlain in 1902, in his opening speech, alluded to the " very great anticipations " which had been formed as to the possible results of the Conference. His own hopes were clearly higher than they had ever been. We have record of a conversation which he had had one night in 1896 with H. O. Arnold-Forster upon the Terrace of the House of Commons. " He came and sat with me for " a long time on the Terrace, and talked with great freedom " about many matters, principally about federation and its " prospects. He was very sanguine about the prospects of

[1] *Proceedings* (1902), p. 9.

"the movement, and thought it had never been so near."[1] In 1902 it seemed nearer than ever. The Boer War blotted out the disappointment of 1897. Surely these unique displays of "Colonial loyalty," were nothing but the great home-turning of the tide which had seemed to ebb out with the grant of Responsible Government sixty years before? There was rubbing of hands in the Admiralty and the War Office—the one expecting more "naval tribute," and the other looking forward to the willing acceptance on the part of these overseas Englishmen of an obligation to equip contingents, and to hold them in readiness to obey the call of the Imperial Army.

But all these fine dreams vanished when the Conference came to business. Again we are left somewhat in the dark through the suppression of most of the proceedings. But as in 1897 there is enough to show the course of events, and to reveal the widening breach between the Colonial ideal of "Alliance," and the English dream of Imperial Federation. Chamberlain's opening speech referred to his project of a "real Council of the Empire" leading up to the political federation of the Empire, which he did not hesitate to say was "within the limits of possibility."[2] But he recognized that the demand must first come from the Colonies, and the silence of the scanty Report as to any such demand is even more impressive than the blunt refusal of 1897.

But if there was no advance towards Imperial Federation in 1902, neither was there much towards Imperial Co-operation in the sphere considered most important by the British Government—namely, defence. Here the old obstacle still blocked the path. Chamberlain rightly insisted that "a "voice in the policy of the Empire" was dependent upon the willingness of the Colonies to take a "proportionate share in "the burdens of the Empire"; but the British Government would still countenance no form of share save by the method of contributions. In answer to Chamberlain's plea: "The "weary Titan staggers under the too vast orb of its fate. "We have borne the burden for many years. We think it

[1] See an interesting letter by Arnold-Forster to his wife, quoted by Jebb, *op. cit.*, Vol. I, p. 398. (Appendix.)

[2] *Proceedings*, pp. 4–5.

"is time that our children should assist us to support "it . . ."[1]—the Colonies, being still regarded as children, showed no enthusiasm. There was, indeed, a general failure on the part of the United Kingdom to recognize the silent change which was rapidly taking place in the political organisation of the Empire. It was once a single state; it was now almost a league of free nations. "Nothing in progression," said Burke, "can rest on its original plan. "We might as well think of rocking a grown man in the cradle "of an infant." The Admiralty—intent upon their primary business of securing naval efficiency—were still busy rocking the cradle, but with no great success. They managed, after some haggling, to secure a recognition of the principle of subsidy, and the offer of contributions from all the Colonies save Canada. The Canadian Ministers objected to the proposals of both the Admiralty and the War Office, on the national ground that "the acceptance of the proposals would "entail an important departure from the principle of Colonial "self-government."[2] Canada was not alone in her objection to "naval tribute." National feeling in Australia was rapidly rising against the anti-national principle of subsidy. Sir Edmund Barton, the Prime Minister of the Commonwealth, who had consented to a renewal of the Naval Agreement (though he had offered only half the sum expected by the Admiralty), found himself upon his return home fiercely abused for what was regarded as his betrayal of the national cause.

The discussion of the question of military defence revealed the same divergence of principle. The suggestion of the Premier of New Zealand, Mr. Seddon, vigorously supported by the War Office, that each Colony should set apart "a "special body of troops ear-marked for Imperial service," met with strong opposition from the representatives of the two national Dominions, Canada and Australia. They protested that: "to establish a special force, set apart for general "Imperial service, and practically under the absolute control "of the Imperial Government, was objectionable in prin-"ciple, as derogating from the powers of self-government

[1] *Ibid.*

[2] *Proceedings*, pp. 73–4.

"enjoyed by them. . . ."[1] They agreed to the principle that each Dominion should organise its own forces along common lines, with a view to the possibility of co-operation in the future, but insisted that it should be left "to the colony, "when the need arose to determine how and to what extent "it should render assistance."[2]

The only other feature of the Conference of 1902 which calls for brief mention here, is the part played by it in precipitating the great Tariff Reform controversy begun by Chamberlain in the following year. The Unionist Government, though not unwilling to accept the idea of an Imperial Zollverein, as advocated by Chamberlain, steadily refused to listen to the Colonial appeal for Imperial reciprocity. This plea had been urged more strongly at each Conference, and it was more insistent than ever at the Conference of 1902; and this Conference at the same time rejected the idea of inter-Imperial free trade. Since the last Conference, Canada had granted a substantial preference of 33⅓ % to British goods, and in 1902 all the other Colonies were proposing to follow her lead. But hints were freely thrown out, that this generosity might come to a sudden stop, unless the United Kingdom reciprocated. These events burned more deeply than ever into the mind of Chamberlain the conviction that Imperial Federation could never be reached except by way of Commercial Union. The disappointment of 1902, reviving the memory of 1897, finally convinced him that the persistent rejection of Imperial Preference might alienate the Colonies, and that this might mean the shutting for ever of the only door which seemed to lead to Imperial Unity; and in 1903 he sprang forward to keep the door open.

V. THE CONFERENCE OF 1907 AND THE FRAMING OF THE CONSTITUTION

The Session of 1907 marked an extremely important step forward in the development of the Imperial Conference as

[1] *Ibid.*, pp. 31–2.
[2] *Ibid.*

an institution. In the two previous sessions the Colonial Premiers had been content to express their disapproval of the principle of Imperial Federation. In 1907, with the aid of the British Government, they took the further positive step of drawing up for the Imperial Conference a formal constitution definitely embodying the rival principle of Imperial Co-operation.

This step was preceded by important discussions, which helped to reveal the real significance of the developments we have been tracing in this chapter, and which are full of interest in the light of the developments of 1917–18. The discussions ranged round two points : (1) the question of substituting for the Imperial Conference some sort of Imperial Council ; (2) the question of providing the Imperial Conference with a Secretariat. The proposals for an Imperial Council emanated from both believers in, and opponents of, Imperial Federation. Federalists disliked the Imperial Conference, because they wanted a body with more continuity and greater authority. On the other hand there were some who, while opposed to Imperial Federation, desired something more effective than the Imperial Conference in its then crude form, and failed to see that in the development of this body, rather than in its supersession, lay the solution of their difficulties. They therefore groped round for some sort of Advisory Council which would meet continuously instead of once in every four years.

Both these attacks on the Imperial Conference converged in the proposals set out by Sir Frederick Pollock at the Royal Colonial Institute in April, 1905. These proposals were the result of more than eighteen months' discussion amongst a number of eminent men, most of them apparently Federalists.[1] It was proposed to create a " Council of Advice " which was to have " persuasive authority," but no " new kind of " executive or compulsory power." The Council was not to be confined to Cabinet Ministers, and was apparently intended to supersede the Imperial Conference. But the interposition of such an advisory body between the Colonial Governments

[1] See *Proceedings Royal Colonial Institute*, Ap. (1905) ; Jebb ; *Imperial Conference*, Vol. II ; Wordfold : *The Empire on the Anvil.*

and the Government of the United Kingdom could only have led to friction. The whole history of Imperial relations should have been sufficient warning that independent governments cannot effectively co-operate through intermediaries, but only by meeting face to face in conference. The Imperial Conference, being an assembly of Premiers, was while it met the real governing body of the Empire. A "Council of "Advice" could have exercised no executive power whatsoever, and its advice would hardly have carried as much weight as the advice tendered by the informal Council of Colonial Agents General, which, as Sir Charles Tupper tells us, had already come into existence.[1] The Imperial Conference owed its very existence to the discovery that no meeting of officials or of diplomats could be a substitute for direct personal consultation between cabinets. The only satisfactory way out of the difficulty, that in the existing stage of development such consultation took place at long intervals of time, was to devise machinery to make possible *continuous* consultation.

It seems probable that Alfred Lyttleton, the successor of Chamberlain at the Colonial Office, was one of the undisclosed members of the Pollock group. At any rate the influence of these proposals is clearly shown in the Lyttleton despatch of 1905.[2] This contained certain suggestions as to "the future "organisation of Colonial Conferences." One of these suggestions was that "it might be well to discard the title 'Colonial "'Conferences,' which imperfectly expressed the facts, and "to speak of these meetings in future as meetings of the "'Imperial Council.'" The hope was half expressed that under the new title something more than a Conference might grow up. The other important proposal made was that there should be established in London a permanent "Commission" or "Secretariat" of the "Imperial Council." This Secretariat was to be representative of the various governments, but its functions were to be of a "purely consultative and "advisory character." Its purpose was to maintain continuity between the periodical meetings of the Imperial Council.

[1] See Article in *The Nineteenth Century*, May, 1907.

[2] [Cd. 2785] 1905.

Taken at their face value these proposals seemed harmless enough. By most of the Colonial Governments, including Australia, they were taken at their face value—as the mere changing of a name, and the addition of a useful piece of administrative machinery. But to Canada they appeared to involve, on the one hand, a veiled attack on the vital principle of the Imperial Conference, and on the other an infringement of Responsible Government. "A Conference," wrote Sir Wilfrid Laurier and his colleagues, "is a more or less "unconventional gathering for informal discussion of public "questions, continued, it may be, from time to time, as "circumstances external to itself may render expedient, but "possessing no faculty or power of binding action. . . . The "term Council, on the other hand, indicates . . . a more "formal assembly, possessing an advisory and deliberative "character, and in conjunction with the word 'Imperial,' "suggesting a permanent institution which, endowed with "a continuous life, might eventually come to be regarded as "an encroachment upon the full measure of autonomous "legislative and administrative power now enjoyed by all "the self-governing Colonies."[1] As for the proposed Commission, they could not "wholly divest themselves of the idea "that such a Commission might conceivably interfere with "the working of responsible government."[2] It is probable that these suspicions were not justified, but the significance of the reply is that it voiced the principles upon which all the other Colonial governments stood as firmly as Canada, and which some of them might have set forth even more emphatically, if they had entertained similar suspicions.

These five years of fruitful discussion led directly to the most outstanding achievement of the 1907 Session, namely, the passing of the constitutional resolution. This resolution for the first time set out clearly the structure and scope of the Imperial Conference in its more mature form, revealed it as the recognised central governing body of the British Commonwealth, and confirmed in the most unmistakable way the victory which

[1] See *Correspondence relating to the Future Organisation of Colonial Conferences*, Cd. 2785.

[2] *Ibid.*

in 1897 and 1902 had been gained by the principle of Co-operation over the principle of Imperial Federation. The first part of the resolution runs as follows: "That it will be to "the advantage of the Empire if a Conference, to be called "the Imperial Conference, is held every four years, at which "questions of common interest may be discussed and considered as between His Majesty's Government and his Governments of the self-governing Dominions beyond the seas. "The Prime Minister of the United Kingdom will be *ex-officio* "President, and the Prime Ministers of the self-governing "Dominions *ex-officio* members of the Conference. The "Secretary of State for the Colonies will be an *ex-officio* "member of the Conference and will take the chair in the "absence of the President. He will arrange for such Imperial "Conferences after communication with the Prime Ministers "of the respective Dominions. Such other Ministers as the "respective Governments may appoint will also be members "of the Conference—it being understood that, except by "special permission of the Conference, each discussion will "be conducted by not more than two representatives from "each Government, and that each Government will have only "one vote."

This resolution forms the constitution of the Imperial Conference, and several points in it call for comment. The name "Imperial Conference" was adopted, at the suggestion of Sir Wilfrid Laurier, as a compromise between the old "Colonial Conference" with its implication of inferior status, and the new "Imperial Council," across which seemed to fall the shadow of Imperial Federation. The significance of the words ". . . as between *His Majesty's Government* and His Governments of the self-governing *Dominions* beyond the seas" becomes clear when we place beside them the words of the 1902 resolution ". . . as between *the Secretary of State* "*for the Colonies* and the Prime Ministers of the self-governing "*Colonies*." The term "Dominions" was substituted for the term "Colonies" which occurred in the original draft of the resolution as drawn up by the Colonial Office; and the change was made because the Prime Ministers of the Dominions wished to be rid of an official title which reached

back to the days of dependence, and wished also to emphasise the practical equality of status which now existed between the new nations and the mother country. Both Sir Wilfrid Laurier and Mr. Deakin, the Prime Ministers of Canada and of Australia respectively, insisted that the Conference was no longer one between the British Colonial Office and British self-governing Colonies, but as Mr. Deakin put it "... between governments and governments, due recog- "nition, of course, being had to the seniority and scope of "those governments."[1] The substitution of the Prime Minister for the Colonial Secretary as the *ex-officio* President of the Conference, was a further sign of the recognition of practical equality of status, and it was also a mark of recognised leadership.

VI. THE PROBLEM OF A LINK BETWEEN THE CONFERENCES

The two remaining portions of the constitutional resolution raised vital issues which the Conference left blurred and unsettled. The first dealt with the question of the Secretariat; the second provided for "subsidiary Conferences." The confusion shown in the debate on the Secretariat was due partly to the fact that two distinct functions—one administrative and the other political—were not clearly distinguished by the speakers. There were (1) the purely business arrangements arising out of the four-yearly Conferences (matters such as the fixing of the date of the meeting, the preparation of the agenda, the taking of minutes etc.), (2) the political problem involved in the fact that a four-yearly Conference could not deal with a situation which demanded much more frequent consultations between Cabinets.

The debate ranged hazily round two distinct solutions. (A) The first solution was that some one of the Governments represented at the Conference might undertake the secretarial business arising out of the Conference. This took the form

[1] *Proceedings*, p. 7.

of the proposal actually adopted, namely, that the British Colonial Secretary should charge certain of his officials to act as the Secretariat. The section ran as follows: "That it is "desirable to establish a system by which the several Governments represented shall be kept informed during the periods "between the Conference in regard to matters, which have "been or may be subjects for discussion, by means of a "permanent secretarial staff, charged, under the direction of "the Secretary of State for the Colonies, with the duty of "obtaining information for the use of the Conference, of "attending to its resolutions, and of conducting correspondence on matters relating to its affairs." Some of the objections to this course were set out by the Prime Minister of Australia, Mr. Deakin, supported by the Premiers of New Zealand and of Cape Colony. They urged that such a Secretariat must by its nature be quite inadequate for the work to be done, and that the adoption of this plan would tend to place the Imperial Conference under the thumb of the Colonial Office. Mr. Deakin urged that the Colonial Office, being in the main concerned with the government of tropical dependencies, was inclined to bring a Crown Colony frame of mind to bear upon its dealings with the free nations of the Empire. It was obvious that a Colonial Office Secretariat would be suspect of the Dominion Governments, and would be permitted to function only within the narrowest possible limits. There was not the least chance that Dominion Governments would entrust important political functions to Colonial Office officials.

The creation of the Secretariat, however, brought about a much needed change in the organisation of the Colonial Office. It involved the separation of Dominion from Crown Colony affairs, and the setting up of a new "Dominions Division" to deal with the former.

(B) The second course was that advocated by Mr. Deakin and Dr. Jameson. Their aim appears to have been to create a permanent body, which would not only render the Conference independent of the Colonial Office as regards the narrower secretarial functions, but would also be capable of undertaking the quasi-political function of serving as a

connecting link between the governments during the interval when their leaders were not meeting face to face in Conference. Mr. Deakin's idea was to have a secretariat composed of officials representing the various governments, but under the control and direction of the British Prime Minister acting in the capacity of President of the Conference. Dr. Jameson, on the other hand, pictured the Secretariat as a Joint Board of High Commissioners and Agents General, together with representatives of the British Government, each official responsible to his own Government.

These proposals would have avoided the taint of dependence involved in a Secretariat under the exclusive control of the Colonial Office, but they were open to attack on the ground that they might mean the setting up of a body external to the Governments, and therefore likely to come into conflict with them on political questions. " . . . There might be," said the Colonial Secretary summing up the objections of the British Government, " under a proposal of this kind, a danger " to the autonomy of us all "—a sentence which also summed up the objections of the Canadian Government. There are, indeed, obvious objections to investing mere officials with functions which, on democratic principles, can only be safely left in the hands of the political heads of a Government, that is, of Cabinet Ministers. The special difficulty about investing political power in the hands of High Commissioners and Agents General, is that these officials have usually been eminent ex-ministers, and have therefore been regarded somewhat by Colonial Governments as possible rivals. Hence these Governments have always been chary of entrusting important political functions to their official representatives in London.

The only satisfactory solution of the problem of a secretariat lay in a direction which was hardly even glanced at in 1907. Political functions could not be entrusted to mere Colonial Agents, much less to Colonial Office officials, but there was no real objection to entrusting them to *political representatives*, that is, to resident Cabinet Ministers. The history of the Canadian High Commissionership offered a useful precedent. From 1888–1892 Sir Charles Tupper had held the office of High Commissioner in London, while at the same time he

retained a seat in the Dominion Cabinet—a practice which has lately been revived in the case of Sir George Perley. A council of such Resident Ministers, leading members of their Cabinets, meeting continuously in London, might exercise the political functions jealously denied to officials; and it would also be the body best fitted to control the business side of the secretariat, which in 1907 was surrendered by the Imperial Conference to the Colonial Office. Such a body would not interfere with the Imperial Conference, because it would be an Imperial Conference in perpetual session, changing in personnel with changes of government, and strengthened as occasion demanded by the presence of Prime Ministers or other members of the various cabinets. It would not interpose itself between the Governments, because it would be as nearly as possible a perpetual council of Governments, able to exercise no power save through them.

But in 1907 the possibility of such a council was well down over the political horizon. The one important step towards it in 1907 was contained in the last section of the constitutional Resolution which provided for the meeting of "sub-"sidiary Conferences," to be held as often as needed for the purpose of dealing with matters of importance which could not conveniently be postponed till the meeting of the next plenary Conference, or with subjects calling for more detailed consideration.[1] These Conferences were to be composed of "representatives of the Governments concerned specially "chosen for the purpose"; and there was some hope that under this clause important questions arising in the four-year-long recesses would not be allowed, as in the past, to fall into the hands of the diplomatists (the High Commissioners and Agents General) but would be dealt with by special *ad hoc* conferences of Cabinet Ministers.

Great political principles or expedients, such as the principle of representation and the device of majority rule, have an air of inevitability and of simplicity which tends to conceal

[1] Under this clause a Defence Conference was held in 1909 and a Copyright Conference in 1910. Cf. Navigation Conference, 1907; Education Conferences, 1907 (unofficial) and 1911; and Surveyors' Conference, 1911.

their real nature and their true value. To get the right attitude towards them, we must study them in their historical development ; we must dig about in the scrap-heaps of history for their early models, and for all the tangled mass of rejected expedients and devices which went to their making. This is true of the Imperial Conference as of most other great political inventions ; and it is true also of the minor expedient of the Resident Minister. It has required more than twenty years of discussion and thought to demonstrate that the problem of the gap between the Conferences could not be solved except by means of the Resident Minister. The question was again debated at the Conference of 1911, with the result that although the expedient of the Resident Minister received little attention in the discussion, the way was cleared for its adoption by the rejection of all other suggested expedients.[1] The debate not only helped to make clearer the need for continuity, but it also showed that the Dominions were not prepared to allow political functions to be exercised by *officials*—whether their own or those of the Colonial Office. Even this second debate was not sufficient, however, except in the case of Canada, to convince the Dominion Governments of the necessity of making provision for *continuous* cabinet consultation. It was only after several years of war that this necessity was finally driven home to them.

VII. CONCLUSION

It is not necessary to give a detailed account of the work of the Conferences of 1907 and of 1911. As we have seen, the main lines of the Conference were settled by 1907. Between this date and 1914 the chief constitutional developments centred round the questions of defence and foreign affairs, and these are best dealt with in a separate chapter. It is sufficient to remark here that in the seven years before the war the principles of 1907—free co-operation on a basis of equality

[1] *Proceedings*, pp. 173–194. Cf. pp. 75–97. Cf. also below, Ch. VI., pp. 154 ff.

and independence—were applied consistently and with excellent results, especially in the sphere of defence. These years witnessed the steady growth of nationhood in the Dominions, and the steady thrusting into the background of the idea of Imperial Federation by the growth of the newly discovered method of Cabinet consultation. The debate on Imperial Federation inaugurated by Sir Joseph Ward at the Imperial Conference of 1911, showed all the Governments represented there (save New Zealand) more strongly opposed than ever to the idea of superseding the method of free co-operation by the creation of an Imperial federal super-state. "It is "co-operation," said General Botha, voicing the sentiments of the Conference, "and always better co-operation that we want, "and that is what we must always strive for."[1]

The question of Imperial Preference was considered again in a lengthy debate in 1907, but upon the decisive rejection by the British Government of the whole idea of tariff preference, the Conference turned to "making roads across the "Empire, not building walls."[2] In these two sessions the questions of securing improved cable, mail, steamship, postal, and commercial intelligence services were considered; and steps were taken to secure uniformity of legislation in regard to such matters as naturalisation, copyright, and so forth. In ways such as these the Imperial Conference revealed itself, not as the narrow war-preventing or war-making machine which some of its critics called for, but as a great organ of peaceful international co-operation.

[1] *Proceedings*, p. 70.

[2] A phrase used by Mr. Churchill during the debate on Preference, in 1907.

CHAPTER VI

THE WORKING OF THE BRITISH GROUP OF STATES BEFORE THE WAR

I. DEFENCE AND POLICY

DEFENCE is dealt with in this chapter not because it is regarded as necessarily the most important and fruitful sphere of Imperial Co-operation, but rather because it was the sphere in which most progress had been made before the war, and in which, therefore, it is easiest to study the principles and methods of Imperial Co-operation.

The necessary inter-relation between defence and foreign policy—the fact that logically defence is determined by policy—would lead us to expect co-operation in foreign policy to come before, or simultaneously with, co-operation in defence. In the British Empire, however, this has not been altogether borne out by the facts: effective co-operation in defence has come before effective co-operation in high policy.[1] This fact and the delay of the Dominions in assuming the full burden of their national defence demand some discussion.

It has been argued by Tariff Reformers that the delay on the part of the Dominions was due mainly to the failure of the United Kingdom to abandon her "fetish of free trade," and to grant Dominion products the preference in her markets which was supposed to be necessary to ensure the commercial stability of the new nations.[2] The fact that the expenditure of Australia on defence in 1912–3, per head of population,

[1] The distinction between "foreign policy" and "high policy" is dealt with in §VII.

[2] Cf. Jebb: *The Imperial Conference*, and Worsfold: *The Empire on the Anvil* (1916), pp. 75, etc.

exceeded by a margin of from about 5s. to 20s. the expenditure per head of any other country in the world save England and France, is in itself sufficient to destroy most of the force of this argument.

Not more satisfactory was the argument, freely used by some advocates of Imperial Federation, that Dominion statesmen failed to challenge their dependence on the Mother Country in questions of high policy, because they preferred to "darken counsel" rather than face the issue—either Imperial Federation or Separation—which (it was urged) would be raised the moment this challenge was made. The experience of Dominion Ministers led them to believe that this dilemma was unreal, and that co-operation in high policy would be found practicable as soon as the Dominions had assumed full responsibility for their defence, and were therefore in a position to make the challenge.

The chief explanation of the two facts cited must be sought in the nature of the relationship between the Dominions and the United Kingdom. This relationship, as Sir Charles Lucas has finely taught us, is essentially one between parent and daughter states.[1] What has been acclaimed as a great discovery of present-day statesmanship, the idea of a mandatory state safeguarding and assisting to maturity young and undeveloped states such as Syria and Palestine, has been practised for more than half a century, quietly and as a natural family arrangement, by Great Britain towards her colonies. This period of protection has been of incalculable value to the Dominions. It has given them an ample breathing space in which to consolidate their institutions, and to develop their territories. Without it their whole development would have been stunted. Without the friendly advice, guidance and protection given by the Mother Country, how much of the peculiar fineness and hope of the civilisations in Australia and New Zealand must have been sacrificed inevitably to the supreme need of self-preservation?

In the light of this conception of a relationship between parent and daughter states, the explanation of the situation as it stood before the war becomes clear. The Dominions

[1] Lucas: *Greater Rome and Greater Britain* (1913).

delayed to undertake the full burden of their national defence, and the Mother Country readily acquiesced in the delay, because both parties sought to avoid a possible overstraining of the structure and resources of the new states. A second factor in the situation was the not unnatural reluctance of the Mother Country to surrender her exclusive control of high policy, and of the daughter states to press her to make this surrender of her vested interests until they had assumed something like the full burden of their national defence policies. Doubtless also the comparative isolation of the Dominions, and their long period of dependence, caused them, in varying degrees, to under-estimate the importance of questions of defence and of high policy, and to be less anxious than they should have been to control such matters. This was particularly true in the case of Canada, which, although more mature than the other Dominions, failed to take the lead in establishing national defence forces.[1]

The remaining sections of this chapter will deal with the development of Imperial Co-operation in defence (including the growth of the national defence policies of Australia and Canada); the nature and extent of the control exercised by the Dominions over their chief foreign relationships and the growth of Imperial Co-operation in these matters; and finally, the opening stages in the demand made by the Dominions before the war for a share in the control of questions of high policy.

[1] The plea of immaturity was advanced by Sir Wilfrid Laurier at the Conference of 1907, as the ground for the refusal of Canada to undertake naval defence. (*Proceedings*, p. 542.)

In reference to the pre-war period we must beware of speaking of a "proportionate share" in the case of Canada. Her geographical position, and the shelter of the Monroe Doctrine, made her far less dependent than the other Dominions upon the protection of the British Navy. So long, therefore, as the doctrine of aloofness from the quarrels of Europe, as expounded by Sir Wilfrid Laurier, was accepted by her people, it was absurd to expect from her anything like the 32s. 3d. per head expended by the United Kingdom in the year before the war, or even the 23s. 7d. expended by Australia on defence in the same year. The defence expenditure of Canada in 1912–13 was 5s. 2d.; compare this with the 1 1s. of the United States in 1913. (Figures from *Official Year Book of the Commonwealth of Australia* (1915), p. 952.)

II. CO-OPERATION IN MILITARY DEFENCE

In the previous chapter I have attempted to show how the earlier sessions of the Imperial Conference succeeded in establishing the principle of autonomy in military defence. It now remains to show how in the decade before the war the Conference adopted and worked out the equally vital principle of co-operation.[1]

There is probably no parallel in history to the spectacle offered by the forces of the Empire in the European war. Four or five distinct national armies succeeded in working together in complete co-ordination, and reached in a remarkably short time a level of military efficiency as high as that of the forces of a single power. The credit for this result rests ultimately with the Imperial Conference, which set in motion the machinery that made it possible. The result depended upon the thorough application of two principles: (1) the principle of co-ordination—uniformity of organisation, equipment and of tactical training; (2) the principle of unity of command in the event of co-operation in war.

The first great step forward was taken at the Imperial Conference of 1907, when, on the suggestion of Mr. Haldane (then Secretary of State for War), it was resolved that the British General Staff, which had just been established, should be expanded into an Imperial General Staff. The nature, purpose and function of this important organ are sufficiently explained in the resolution ultimately passed by the Conference:

"That this Conference . . . recognises and affirms the "need of developing for the service of the Empire a General "Staff, selected from the forces of the Empire as a whole, "which shall study military science in all its branches, "shall collect and disseminate to the various governments "military information and intelligence, shall undertake the "preparation of schemes of defence on a common principle,

[1] On the question of defence see Keith: *Responsible Government*, pp. 1248–98, and his *Imperial Unity and the Dominions*, pp. 301–309; Ewart: *Kingdom of Canada* and *Kingdom Papers*; Jebb: *Imperial Conference*, Vol. II.

" and, without in the least interfering in questions connected " with command and administration, shall, at the request " of the respective governments, advise as to the training, " education and war organisation of the military forces of " the Crown in every part of the Empire." [1]

Two years later a second great advance was made as a result of the subsidiary Defence Conference called in 1909. In the words of Mr. Asquith the result of the Conference was " . . . a plan for so organising the forces of the Crown wher- " ever they are that, while preserving the complete autonomy " of each Dominion, should the Dominion desire to assist in " the defence of the Empire in a real emergency, their forces " could be rapidly combined into one homogeneous Imperial " Army." [2]

This Conference was followed by a complete reorganisation of the defence forces of Australia and New Zealand where compulsory military training in time of peace was adopted in 1909–10. This example was followed by South Africa in 1912. In each case (and also in Canada) the principle of co-ordination was adopted; that is, the forces of the Dominion were organised, equipped and trained on the general lines which the Defence Conference had agreed ought to be adopted by the forces of each member of the group of states. Thus by 1914 it was possible to say that, with the partial exception of Canada, the Dominions had assumed the fullest responsibility for their national defence on its military side.

The duty of working out and applying the plan of 1909 fell to two bodies: (1) the Imperial General Staff and its local sections, and (2) the Committee of Imperial Defence.

(1). *The Imperial General Staff*

By 1912 the Imperial General Staff had taken shape as a central organ with a number of independent but closely linked local sections. Each Dominion had its own General Staff which was in effect a section of the central body, but was

[1] *Proceedings* (1907), pp. v–vi; see also pp. 95–118.

[2] Cd. 4948, 1909, p. 19. (Correspondence and Papers relating to Defence Conference of 1909.)

at the same time completely under the control of the Dominion Government. The local sections were linked up with the central organ by a method of interchange of officers, such officers, of course, coming under the complete control of the Government to whom they were sent. In 1912 a Dominions Section of the Imperial General Staff was formed at the War Office, consisting of three officers representing respectively the Canadian, Australian and New Zealand General Staffs. The duties of these officers were to act as links between the central body and their own local staffs, and to study the methods and ideas in vogue in the English army. As a further means of ensuring common standards and the maximum of efficiency, provision was made that the Dominions might, if they so desired, avail themselves of the services of the Inspector General of Oversea Forces.[1]

(2). *The Committee of Imperial Defence*

This body has been described as :

" . . . a department specially occupied with the control " and co-ordination of the naval and military policy of the " Empire. . . . It is constitutionally the advisory council " of the Prime Minister, and it includes, besides Cabinet " Ministers, certain high officials concerned with military " and naval administration whom its president may be dis- " posed to summon to its deliberations. It has its own secre- " tary and permanent staff."[2] The great importance of this body lay in the fact that for the first time it made possible the continuous and systematic study of war problems. Among the more important of its tasks were the inducing of

[1] A tour of inspection was made in 1913–14 by the Inspector-General, Sir Ian Hamilton, at the request of the Governments of Canada, Australia and New Zealand.

As a further example of co-operation it should be noted that officers were sent for their higher training to the staff Colleges at Camberley and Quetta. The Military Colleges of Canada and Australia were only intended to undertake the training of junior officers. (*Official Year Book* of the Commonwealth of Australia (1915), p. 940.) Cf. also the provisions with regard to the Australian Naval Colleges.

[2] Low : *Governance of England* (1914 Ed.), p. 162 n.

each government department to consider beforehand the action which it should take in the event of war, and the co-ordination of the efforts of all the departments during war.

The constitution of the Committee was sufficiently elastic to enable Dominion representatives to attend, whenever necessary, as full members. Thus during the Imperial Conference of 1911 naval and military matters were discussed by the Prime Ministers and Defence Ministers of the United Kingdom and the Dominions, not in the Conference itself, but in the Committee of Imperial Defence. It was during these secret meetings that two very important decisions were arrived at which opened the way to a great step forward in Imperial relationships.[1] It was resolved :

" (1) That one or more representatives, appointed by the " respective Governments of the Dominions, should be invited " to attend meetings of the Committee of Imperial Defence " when questions of naval and military defence affecting the " Overseas Dominions are under consideration.

" (2) The proposal that a Defence Committee should be " established in each Dominion is accepted in principle."

I am not concerned here with the political significance of the first resolution : it is sufficient to remark that it was the greatest step forward in Imperial Co-operation since the establishment of the quadrennial Conference between Governments. The unanimous opinion expressed by those present that such representation should be by Ministers responsible to Parliament, meant that for the first time the possibility was opened up of continuous cabinet consultation. In accordance with the second resolution, Defence Councils (or Committees), similar in organisation and function to the Committee of Imperial Defence, were set up before the war by Canada (1914) and South Africa (1912), and by Australia in 1919.[2] Canada was the only Dominion which had a Resident Minister in London when war broke out.[3]

[1] *Parliamentary Paper*, Cd. 6560 (1912) ; Keith : *Selected Speeches*, etc., Vol. II, pp. 339–42.

[2] Union of South Africa *Defence Act* of 1912 Section 29: *Statutory Rule* No. 58 of 1919, under Commonwealth *Naval Defence Act*.

[3] Sir George Perley, a member of the Dominion Cabinet, became

When war came, and the Dominion Governments decided at once to take part in it, the whole elaborate machinery of military co-operation, so patiently and skilfully constructed in the years before the storm, swung smoothly into action. It was the political significance of the gathering of nations from all sides of the earth in a common cause, which impressed the popular mind. The remarkable machinery, which had made possible the perfect fitting together of five or six distinct national forces into a common plan of campaign under a unified command, was passed by almost in silence.[1]

III. CO-OPERATION IN NAVAL DEFENCE

From the point of view of constitutional development in the Empire, the question of naval defence has been of greater importance than that of military defence, because it has raised in a more acute form the question of the control of matters of high policy.

As we have seen, national feeling even in its half developed form, had foredoomed to failure the system of money contributions to the British Navy adopted by the Australian Colonies in 1887, and afterwards by all the other self-governing colonies save the Dominion of Canada. Between 1902 and 1907 interest centred in the struggle between the determination of the Admiralty to maintain the ideal of a centralised British Navy, contributed to in cash or in kind by the Dominions, and the rising national feeling in the greater Dominions against "hired defence," and in favour of Dominion navies.

The German threat to British naval supremacy forced matters to a head in 1909. The threat itself, and the consequent withdrawal of British war vessels from colonial stations to the North Sea, helped to awaken the people of the Dominions to the full meaning of naval dependence, and to

Resident Minister in 1914. The Canadian Defence Committee established in January, 1914, completed a War Book, similar to the British War Book, just in time for the outbreak of War. Borden: *The War and the Future*, pp. 17–18.

[1] See diagram illustrating Co-operation in Defence, p. 133.

force them to recognise their national responsibilities in defence matters. The response of Canada and Australia showed their definite abandonment of the policy of contribution, in favour of the national policy of Dominion navies under Dominion control. The Canadian House of Commons in a resolution passed unanimously on March 29th recognised "the duty of the people of Canada as they increase in numbers "and wealth to assume in larger measure the responsibility "of National Defence"; but it condemned the method of "regular contributions," and declared in favour of "the "speedy organisation of a Canadian naval service in co-opera- "tion with, and in close relation to, the Imperial navy. . . ."[1] This was followed by a telegram from the Government of Australia accepting the obligations of the Dominions to "share . . . in the burden of maintaining the permanent naval supremacy of the Empire," and expressing the opinion that so far as Australia was concerned this object would be best attained by the encouragement of local naval development for the twofold purpose of providing for local defence, and of assisting in Imperial defence by acting in concert with the other sea forces of the Empire.[2]

The whole question was thrashed out at the Subsidiary Imperial Conference on Defence held in 1909. The Admiralty, though it still preferred the method of centralised control, accepted the policy of Dominion navies. It sought to reconcile the principle of national control with the principle of co-operation by working out a scheme for self-contained "fleet "units." The units were to be built, equipped, organised, and trained, in such a way that, in the event of the Dominions deciding to make common cause with the Mother Country in any emergency, the national fleets might be fitted in as integral parts of an Empire navy under the single strategic control of the senior Admiralty.

[1] *Parliamentary Paper*, Cd. 4948, p. 5. The proceedings of the Defence Conference of 1909 are summed up, and the important documents printed, in Keith: *Responsible Government*, pp. 1285–91.

[2] *Parliamentary Paper*, Cd. 4948, pp. 3–4. New Zealand offered a gift of one or two Dreadnoughts. South Africa, busy completing the Union, merely continued the old contributions of Cape Colony and Natal.

This policy is best studied in the remarkable Naval Agreement drawn up in 1911 between Canada, Australia, and the United Kingdom.[1] The Agreement began with a clear statement of the principles of national control: "The naval "services and forces of the Dominions of Canada and Australia "will be exclusively under the control of their respective "Governments." Co-operation with the British Navy was facilitated by provision for general uniformity in training and discipline, and for the interchange of officers and men. Arrangements were to be made, "in the interests of efficiency "and co-operation," for fleet exercises and other forms of joint training under the command of the Senior Naval Officer. There were also articles dealing with the situations likely to arise from the fact that the Dominions were not technically independent states with foreign offices and embassies of their own. The procedure to be adopted if a Dominion warship were sent by its Government outside the naval station agreed upon for that Dominion, was carefully defined. All these articles providing for co-operation in time of peace, led up to the provision for unity of command in the event of a decision to co-operate in time of war: "In time of war, when the naval "service of a Dominion, or any part thereof, has been put "at the disposal of the Imperial Government by the Dominion "authorities, the ships will form an integral part of the British "fleet and will remain under the control of the British Admi- "ralty during the continuance of the war."

The defeat of the Laurier government in Canada in 1911 involved a partial change in naval policy. The Borden administration, whilst accepting the idea of a Canadian navy as the ultimate policy of Canada, believed that the German rivalry had created an emergency in British naval policy, which ought to be met by an emergency contribution of Dreadnoughts from Canada. But even the careful case made out by Sir Robert Borden backed up as it was by a cogent memorandum,[2] prepared at his request by the Admiralty,

[1] See Cd. 5746 II; and Keith: *Selected Speeches*, etc., Vol. II, pp. 304–7.

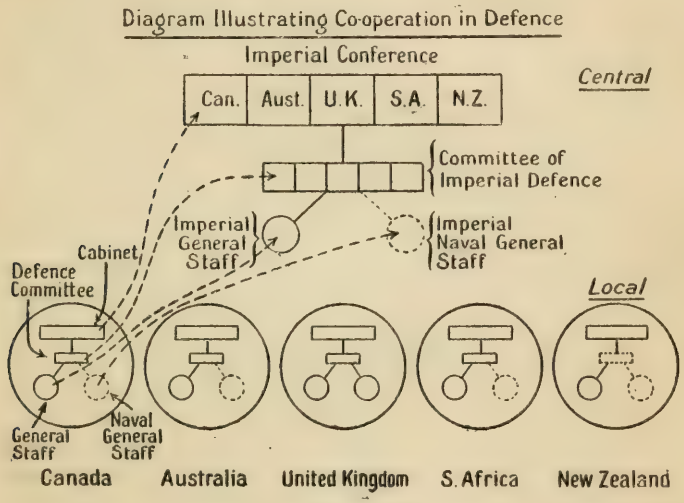
[2] *Parliamentary Paper*, Cd. 6513. This memorandum and Borden's speech are reprinted in Keith, *op. cit.*, Vol. II.

failed to diminish the opposition of the Liberal party to what it regarded as a serious departure from the principle of Canadian autonomy. After a bitter contest in the House of Commons the Bill was finally defeated in the Senate.

The partial change of policy in Canada helped to strengthen a tendency in England to revert to the policy of naval centralisation. Mr. Churchill, who came to the Admiralty in 1911, was the chief exponent of this view. He roundly condemned the national policy of Australia, and held up as a model to all the Dominions the contributory policy of New Zealand. If the war had not intervened the whole question would have been thrashed out at the next session of the Imperial Conference, which in normal circumstances would have been held in 1915.

It is not likely that, if this Conference had been held, either Australia or Canada would have countenanced any departure from the principles of the Naval Agreement of 1911—the principles, that is, of Dominion naval autonomy, and of the co-ordination of the naval forces of the Empire with a view to their co-operation in time of war. It is much more likely, in fact, that fault would have been found with the Agreement because of its failure to carry these principles into full effect. The Dominions had sufficient insight into the principles of naval strategy to recognise that the effectiveness of a joint fleet depends upon its peace-time concentration being in accordance with probable war-time requirements. Strict adherence to this maxim was impossible unless the Dominions were free to move their ships to any part of the world. Under the terms of the Agreement, however, Canadian and Australian ships could not be moved beyond their narrowly defined naval stations, unless the two Dominions were prepared to surrender to Britain part of their control over these ships. The movements of war vessels are inseparably connected with foreign policy, and the naval stations were expressly designed to yard off the Dominion fleets from contact with foreign countries. Thus the naval controversy raised in an acute form the fundamental question of the dependence of the Dominions in matters of high policy.

The following diagram may help to make clearer the relationship between the various bodies described in this chapter.



NOTE.—The diagram represents tendency as well as accomplished fact. As the dotted lines indicate, the Naval General Staffs are hypothetical (except in the U.K. where just before the War a *Naval War Staff* was created, and placed under the control of the First Sea Lord). The Imperial Naval General Staff is also hypothetical. New Zealand, having a single Defence Ministry, has not established a Defence Committee. During the War the Committee of Imperial Defence was absorbed in the Secretariat of the War Cabinet—a body which also served the Imperial War Cabinet—but has now been revived.

To prevent undue complication of the diagram, lines indicating representation are shown only in the case of Canada ; the Defence Ministries to which the General Staffs are immediately responsible are omitted, and the possibility of separate Air Staffs has been ignored.

IV. TRADE RELATIONS

As we have already seen, Responsible Government was not at once accompanied by the grant of power to the Colonies to frame their own tariffs. Even when this power was conceded (about 1850), it was not intended that the Colonies should depart from the principles of Free Trade. The emphatic assertion by the Canadian Government in 1859 of the right of a Colony to exercise complete control over its own fiscal policy, ultimately settled this issue for all self-governing Colonies; and before the end of the century most of them had adopted protective systems.[1] Separate tariff policies led logically to the demand for separate commercial treaties, and its corollary, that the Dominions should not be bound without their consent by commercial treaties negotiated by the United Kingdom. Both these points, together with provision for separate adherence to, and separate withdrawal from, British commercial treaties were fully conceded in the last two decades of the Nineteenth Century.[2]

The provisions made with regard to the negotiation of commercial treaties are noteworthy, because of their attempt to reconcile the interests of each State with the interests of the Group. These provisions were gradually worked out with the Canadian Government from 1880–95, and in the latter year were embodied in a letter from the Colonial Secretary, Lord Ripon, to the Dominion Governments.[3] At first it was contemplated that the actual negotiation of a treaty should be left in the hands of the British Ambassador, who was to be advised by a representative of the Canadian Government. But this stage passed almost at once, and by 1893 we find the High Commissioner, Sir Charles Tupper, not only acting as chief negotiator in a treaty with France, but also signing it in conjunction with the British Ambassador. The principle underlying this procedure was set out clearly by Lord Ripon: "To give the Colonies the power of negotiating

[1] Keith: *Responsible Government*, Pt. V, Ch. VI.
[2] *Ibid.*, Ch. V. See also *Imperial Unity*, etc., Ch. XIII.
[3] Keith: *Selected Speeches*, etc., Vol. II, pp. 156–64.

" treaties for themselves without reference to Her Majesty's " Government would be to give them an international " status as separate and sovereign States, and would be " equivalent to breaking up the Empire into a number of " independent States, a result which Her Majesty's Govern- " ment are satisfied would be injurious equally to the Colonies " and to the Mother Country, and would be desired by " neither."[1] In 1907 it was explained by Sir Edward Grey—in a letter to the representatives of the Imperial Government at Paris and Rome in connection with the proposed negotiation by Canada of commercial treaties with these countries—that the object of the provisions of 1895 was " to secure that " negotiations should not be entered into and carried through " by a Colony unknown to and independently of His Majesty's " Government." Provided this condition was satisfied, he pointed out, the selection of the negotiator was principally a matter of convenience. In this case the Canadian Prime Minister and the Minister of Finance were the obvious persons, and they would doubtless keep the British Ambassador informed of their progress. If any agreement resulted the treaty was to be signed jointly by the ambassador and the Canadian plenipotentiary. In 1910 the Canadian Government took a further step towards independence in commercial matters by negotiating trade agreements with Germany, the United States, and Italy, through their consuls in Canada, thus giving the consul what was really a semi-diplomatic position. The Canadian negotiations were however carried on with the full knowledge and approval of the British Government, and were therefore in accordance with the principle of co-operation. The fact that they resulted in informal agreements rather than in treaties proper, which would have required formal ratification, limited the power of the Mother Country to interfere.[2]

In negotiating the famous Reciprocity Agreement of 1911 by means of Canadian Ministers who negotiated directly with the United States Government at Washington, the Canadian

[1] *Ibid.*, pp. 164–6.

[2] Keith: *Imperial Unity*, etc., pp. 270–71 and 294–6. Ewart: *Kingdom Papers*, Nos. 17 and 19.

Government assumed a still more independent attitude. So much so, that, in the opinion of Dr. Keith, they departed seriously from the spirit of true co-operation by neglecting to keep the British Government sufficiently informed through the British Ambassador at Washington, and paid the penalty, for what was rightly or wrongly regarded as a partial neglect of the interests of the Group, in their disastrous defeat at the Canadian General Election of 1911.[1]

With this doubtful exception, the attempt to reconcile the trade interests of each State with the interests of the Group seems to have been remarkably successful. The principles set forth by the United Kingdom in 1895, principles which merely embodied her consistent practice, have been loyally accepted by the Dominions as the bare essentials of a true Society of States. These principles were: that concessions made by a Colony to any foreign nation should be extended to all other nations entitled to most favoured nation rights in the Colony, that any such concession must be extended automatically to the whole of the British possessions, and that no concession could be accepted from a foreign power which would be seriously to the disadvantage of another part of the Empire.[2] Before the war the United Kingdom Government fulfilled its responsibility as leader of the Group by subjecting each treaty to a very careful scrutiny before giving its final approval and formal ratification.[3] The position of equality with the United Kingdom now attained by the Dominions, renders obsolete this overlordship by Britain: in future the Dominions must have power to negotiate and to conclude independently of the United Kingdom their own treaties—any modifications which may be necessary for the welfare of the Group being framed in common council. But it is probable that, in the future as in the past, the British Commonwealth will find trade regulations approximating to those mentioned essential to the maintenance of its unity.

So far, in this section, I have emphasised the more negative

[1] *Imperial Unity*, etc., pp. 271–6; but see for a less hostile view *Responsible Government*, pp. 1143–53.

[2] *Responsible Government*, pp. 1119–22.

[3] *Imperial Unity*, etc., pp. 269–70.

aspects of co-operation with regard to trade relations. It is always easier for neighbours to keep their fences in good repair than to assist each other in ploughing their fields. But the Imperial Conference was as intent upon the ploughing as upon the fencing. Although the progress in the former was not perhaps as great as in the latter direction, the debates of the Conference opened up a vision of international co-operation on a gigantic scale, which would make possible a much richer and fuller life for the communities it represented. It sought to develop inter-Imperial trade relations (1) by building up a great web of inter-Imperial communications, including the extension, nationalisation and cheapening of cables, the development of wireless telegraphy, and of adequate mail services; (2) by the development of ocean transport and transport facilities; (3) by the organisation of commercial intelligence and the collection of information with regard to natural resources; (4) by securing uniformity in commercial and industrial legislation; (5) by the development of Imperial Preference in tariffs. In these and other directions Imperial Co-operation had already done much before the war, and had given a promise of much greater advances in the future.

V. IMMIGRATION

No greater difficulty has faced, or is likely to face, the states of the British Empire than the question of immigration. The most acute form taken by the question is that of the immigration of Asiatics to the Dominions. No better example of the value of such a society of states as the British Empire could be found than the way in which this problem has been faced. Here, perhaps better than anywhere else, we can study the actual working of the basic principle of the Empire—the reconciliation of the conflicting interests of its communities with the general good of the whole Group.[1]

[1] Cf. Discussions of this question at the Conferences of 1897, 1911, 1917, and 1918; and the valuable papers submitted to the last two Conferences.

The right of a self-governing community to control immigration, that is, to decide the future composition of its own population, was first asserted by the Australian colonies in connection with the immigration of Chinese in the latter half of the nineteenth century. The principle was soon accepted by all the self-governing communities of the Empire as essential to the maintenance of their separate national identities, and now, more perhaps than any other principle, it stands for the Dominions as their Magna Charta. The ideal which the colonial communities set before themselves was well voiced by Sir Henry Parkes when justifying his drastic action in excluding Chinese immigrants in 1888:

"In founding a free State no nationality or class should be "considered whom we are not prepared to admit to all our "franchises, all our rights of poverty, all our privileges of "citizenship, all our social usages and trusts not excluding "inter-marriage."[1]

In accordance with this principle, peoples of Asiatic and of African races were excluded by the Australian Colonies before Federation, and later by the Commonwealth in one of its first Acts. Similar action was taken by New Zealand. The grounds for such exclusion were that these peoples could not be assimilated, that their presence in any large numbers would undermine the foundations—economic, political, and social—of Australasian civilisation, and that, as a result, Australia and New Zealand would become racially, as they were geographically, appendages of Asia. A somewhat similar position was taken up by British Columbia, the Pacific Province of Canada (as also by the Pacific States of the United States of America), and by some of the Colonies of South Africa, who were anxious to avoid adding to their already insoluble racial problems.[2]

[1] Parkes: *Fifty Years in the Making of Australian History*, Vol. II, p. 207.

[2] For a useful summary of the history of the question, see Keith: *Responsible Government*, pp. 1075–1100; *Imperial Unity*, etc., Ch. IX (this latter account is marred by several surprising misconceptions as to the real basis of the case for exclusion); and several valuable memoranda and discussions in the *Proceedings* of the Imperial War Conferences of 1917 and 1918.

Even a casual examination of the problems raised in various parts of the world, especially in the United States and in South Africa, by the intermingling of peoples of European, Asiatic, and African races reveals the immense strength of the position taken up by the Dominions. But, nevertheless, their immigration restriction policies have inevitably caused a good deal of friction, not only with nations like Japan and China outside the Empire, but also with the Asiatic peoples within the Empire, especially India. The part played by the United Kingdom as leader of the British Group has been to minimise as far as possible this friction, by insisting that the Dominions should exercise their unquestioned rights in such a way as to give the least offence and hurt to the peoples of India, of China, and of Japan. This great question of foreign policy has occupied the attention of most of the Imperial Conferences since 1897, and the best place in which to study the working of the British Commonwealth with regard to it is in the records of these Conferences.

At the Conference of 1897 the Colonial Secretary, Joseph Chamberlain, set out in his opening speech the conditions upon which, in the opinion of the British Government, the restrictions, admitted by them to be quite justifiable in principle, should be based.[1] The traditions of the Empire, he said, forbade any discrimination merely on the ground of race or colour. The restriction in order to avoid offence to non-European races, both inside and outside the Empire, must be based upon the presence or absence of qualities which made an immigrant desirable or undesirable, irrespective of race or colour. He fastened upon the language test, adopted by Natal, as satisfying this condition, and recommended it to the other colonies in place of the more obnoxious forms of restriction, such as poll taxes and shipping regulations. The Governments of India and of Japan had signified their willingness to accept this expedient, and it was adopted by Australia and New Zealand, and later by the Union of South Africa.

There has never been any pretence that the language test was anything more than a courteous mode of exclusion,

[1] *Proceedings of Colonial Conference* (1897).

but there is no doubt that its adoption has been taken as evidence of a conciliatory attitude and has considerably lessened friction with India and Japan.[1]

It is interesting to notice that the Dominions in connection with their immigration policies had already before the war been brought into semi-diplomatic relations with foreign governments. In 1904, for example, the Australian Government, by direct negotiation with the Japanese Consul, made an informal agreement with Japan to facilitate the entry into the Commonwealth of Japanese merchants, students, and tourists.[2]

On the question of immigration, as well as in the matter of trade relations, the British Commonwealth had, in addition to this negative policy, a positive policy of the greatest importance. It sought to direct emigration from the United Kingdom to the Dominions rather than to States outside the Empire. The success of this policy may be gauged from the fact that, while in 1900 only thirty-three per cent. of the emigrants from the United Kingdom went to countries within the Empire, in 1911 this percentage had increased to eighty.[3]

VI. THE BASIS OF GROUP ORGANISATION—INDEPENDENCE AND INTERDEPENDENCE

This brief survey of the pre-war organisation of the British Commonwealth of Nations as regards its more important aspects, reveals a steady development in two directions: (*a*) towards increased co-operation and interdependence;

[1] For the development of this policy of conciliation and co-operation during the war (i.e., the settlement of 1917–18, and the adoption of the principle of Reciprocity) and its significance from the point of view of the League of Nations, see below, Ch. XI, § IV.

[2] Keith: *Resp. Govt.*, p. 1133. A similar agreement was made at the same time with India and in 1912 with the Chinese Government. Cf. also the agreement negotiated by a Canadian Minister (with the assistance of the British Ambassador) at Tokio in 1907.

[3] Speech of John Burns at the Conference, 1911. *Proceedings*, pp. 199–202.

(*b*) towards greater independence, that is, the acquisition by the Dominions of a status of complete equality with the United Kingdom. Since 1840 these two strands have formed the warp and the woof of the British Commonwealth.

Although emphasis has been laid upon the independence of the Dominions with regard to trade and immigration, it is important not to over-emphasise this aspect. To speak, as Mr. Asquith spoke in 1911, of the local autonomy of the self-governing states of the Empire as "absolute, unfettered, "complete,"[1] or, as Mr. Lionel Curtis did in 1916, of trade and immigration as being within the "exclusive competence"[2] of the Dominions, is to miss the significance of what has been happening in the Empire. What was in fact growing up was an intimate Group of States, one of the essential features of which was that no member of the Group should be allowed to exercise anything more than a modified control over questions which were not purely domestic in character, and which involved in any serious way the interests of another member of the Group, or might threaten the relations of the whole Group with outside states. It was becoming a recognised convention that action taken by each member in such cases should be taken only with the knowledge of, and after consultation with, the other members, and that the right and power of each state to "do what it liked with its own" must be limited in accordance with the general interests of the whole Group.

This convention had as yet been obeyed more freely by the Dominions than by England, but in the last years before the war it was obeyed by her in several important instances to which I shall refer later. There had indeed been occasions upon which the Dominions had intervened, not without effect, to induce her to modify her policy in the interests of the Group. Her Irish policy was felt by the Dominions to endanger the internal order of each, to cause continual friction with the United States, and to weaken the bond of union between the Dominions and the Mother Country—because although not every Irishman was a separatist, most

[1] Imperial Conference, 1911. *Proceedings*, p. 22.

[2] *Problem of the Commonwealth*, pp. 105 and 120–1.

separatists were Irishmen. Hence repeated interventions by Dominion statesmen and parliaments to induce England to grant Irish Home Rule.[1]

But the British Commonwealth was something more than a Group of States engaged on the purely negative task of seeing that its members did no hurt to each other. The positive aspects of co-operation were far more important than its negative aspects, although the latter require emphasis because they have been to a certain extent overlooked. As I have already emphasised, the British Commonwealth was engaged on the task of building up an elaborate framework of international co-operation in all the main spheres—political, social and economic—of international relationship.

The second tendency—that towards complete equality of status for the Dominions—was not perhaps so marked as the first. It was shown, as I have noted, in the growth of Dominion navies, and in the negotiation by Dominion Ministers of Commercial Treaties and Agreements with foreign Governments (though in the case of a Treaty, as distinguished from an Agreement, the British Government still retained the right of approving the appointment of plenipotentiaries and of ratifying the Treaty). It was shown also in the right accorded to the Dominions, on two occasions immediately prior to the War, of separate and equal representation in international conferences.[2] On both these occasions the Dominion plenipotentiaries were formally empowered by the Crown to act on behalf of their respective Dominions, and stood on a footing of absolute equality with the delegates empowered to represent the United Kingdom. An important precedent was thus established for the international recog-

[1] Canada, in 1882, suggested a federal solution (Pope: *Sir John Macdonald*, II, 288 ff), and in 1903 she again intervened; Australia, in 1906, and during the War. Cf. the objections made by Australia, New Zealand, and the Cape, to the adoption of Chinese labour in the Transvaal, 1905 (Keith: *Responsible Government*, p. 1461).

[2] Conferences on "Radiotelegraphy" and on "Safety of Life at Sea." Previous to this, in Conferences intended to have direct political results, the practice had been to include Dominion representatives, if at all, as mere advisers of the Imperial Government. Cf. Ewart: *Kingdom Papers*, No. 19, 1914. Keith: *Imperial Unity*, pp. 277-80.

nition of the independent status of the Dominions, which was to be fully accorded five years later in the Peace Conference and the League of Nations.

But despite these improvements, much still remained to be done in this direction. In their official intercourse with foreign states the Dominions were forced to rely to a large extent upon the friendly services of the British Foreign Office and its embassies. Something had still to be done to give the Dominions full control of their territorial relationships with neighbouring Powers. In the *Standing International Joint Commission* of Canada and the United States, established in 1910, Canada had a ready means of settling all disputes with the United States, but Australia and New Zealand were still forced to rely upon the vigilance of a now very aged Mr. Mother Country to settle disputes with the Powers occupying the adjoining islands in the Pacific.

What was most important of all, the Dominions were still excluded from a voice in the " foreign policy " of the British Government, i.e., in the large questions of high policy which arose from the commercial or territorial interests of the United Kingdom in various parts of the world. The question of Asiatic immigration was just as likely to involve the Empire in war as the question of the neutrality of Belgium, or of the integrity of Afghanistan. Great Britain had a voice in the first question, and it was essential to the unity of the Group that the Dominions should have a voice in the two latter. It was no doubt true that these questions belonged mainly to the foreign policy of Great Britain, but since they might involve the existence of the most powerful member of the Group, the Dominions could not afford to continue without a voice in them.

VII. FOREIGN AFFAIRS AND HIGH POLITICS

To what extent did foreign policy still remain before the war under the exclusive control of the Mother Country? The varying phrases used to describe the pre-war relation-

ships of the United Kingdom and the Dominions, show that the question is not as simple as it seems. On the one hand the dependence of the Dominions was made little of, and they were referred to as " sister nations," " virtually indepen- " dent states." On the other hand they were spoken of as having " no say whatever about Imperial policy," " no " control over or voice in foreign policy," no kind of " political " control of the policy which involved them in peace or war." If the first two phrases were too vague, the three last were based upon a very narrow conception of the meaning of foreign policy.

The nature of this conception will become clear if we glance at the table of contents of any book on foreign policy —take for example a recent essay on *British Foreign Policy in the Twentieth Century*. It is divided into sections as follows : " The Alliance with Japan ; The Entente with " France ; Anglo-German relations before 1906 ; The " Conference of Algeciras ; The Entente with Russia ; " Persia ; The Bosnian Crisis ; The Problem of Armaments ; " Agidir ; From Agidir to Serajevo." Each section obviously deals with what we euphemistically call " high " politics, meaning thereby the pathology of international relations. The essay was not unjustified in identifying foreign policy with this narrow though vital aspect of international affairs, because the Foreign Offices of all the Powers before the War were Ministries of Disease rather than Ministries of Public Health.[1] They made shift to deal with the more serious accidents and epidemics of international society, but had little to do with the safeguards and sanitation needed to keep that society healthy, and to prevent accidents and epidemics. The vast complex of everyday international relations, political, social and economic, was left for the most part uncontrolled and policyless. Only when a serious hitch occurred, or was likely to occur, did the chancelleries and the diplomatists appear on the scene. Missionaries might go to China and by their teaching profoundly influence

[1] For an excellent description of the working of the British Foreign Office see *The Foreign Office and the Foreign Services Abroad* (Council for Study of International Relations, 1916).

the whole life of the Chinese. Mining companies might establish themselves in Mexico, and so obtain a hold over the economic life of the country. But these events only became matters of foreign policy if a missionary was unlucky enough to be killed, or a mining company to be expropriated.

This state of affairs arose from the fact that the existing system of government was as regards international affairs hopelessly out of date. It had been built up to satisfy the needs of the semi-isolated nation-states of the Reformation period, whose relations with each other were comparatively few and irregular. But as states became more and more interdependent, with the growth of trade and commerce and the development of communications, the Foreign Offices and their diplomatic services became less and less able to deal with the whole field of international relationships. Moreover, the habits and traditions of the past had made the Foreign Offices and the Embassies the only channels for official intercourse between states. Despite the fact that the success or failure of practically every department of government dealing with economic and social questions—finance, trade, shipping, railways, telegraph, post-office, immigration, unemployment and so forth—depended to a very large extent upon what was being done by the corresponding departments in other states, there was little direct communication between the Ministers in the various states responsible for these functions of government. Generally speaking, all official communications and negotiations between a Minister of one state and the corresponding Minister of another state had to pass through the bottle-neck of the Foreign Office, and were handed to their destination by the diplomatic service in the foreign country—that is, by gentlemen-amateurs probably out of intimate touch with the department concerned, and innocent of the technical knowledge required to make them really effective as a medium of co-operation. In these circumstances, except in the few cases where an efficient organ of international government had been built up (such as the Universal Postal Union with its permanent bureau) the international aspects of questions like migration and so forth were left to look after themselves,

and a rough harmony between the various self-regarding national policies was more the result of happy accident than of design.

Bearing these facts in mind, let us return again to the question asked at the beginning of this section. If we take the phrase " foreign policy " in its narrower sense as meaning " high politics "—that is, normal everyday relationships neglected or mishandled until they have grown dangerous through friction or clash of interests—then we may say that the Dominions before the war did not have much direct control over foreign policy. Moreover they could not, without the assistance of the British Government, enter into direct official relationships with foreign states ; because from the point of view of international law as then understood " colonial states have no international position " whatever . . . " [1] The Dominions had no recognised Foreign Offices. They were not able formally to accredit or to receive ambassadors. They were not able to annex territory, or to make political treaties. They could not of their own motion declare war or make peace. Thus as regards the formalities of international intercourse, as well as regards " high politics," the Dominions were dependent to a large, although to a decreasing, extent upon the British Foreign Office and its foreign services abroad.

But this does not mean that the Dominions had no control over their foreign affairs generally, nor that they had no effective foreign policy in the wider sense of the term. Over the complex of everyday international relationships they had almost as much direct control as the people of the United Kingdom. Above all they had control over the two questions which more and more are becoming for all countries the burning centre of foreign policy—trade and immigration. They framed their own tariffs, negotiated their own commercial treaties, and enacted and administered their own immigration laws. In the light of these facts, and of the existence of Dominion armies and navies, the saying already quoted that the Dominions had no kind of " political control of the policy which involved them in

[1] Oppenheim : *International Law* (1912), Vol. I, sec. 65.

" peace or war " seems to miss the substance and to strike at a shadow. At least they had control of the issues which might lead them and the rest of the Empire to the very brink of war, only requiring the seals of the British Foreign Office to thrust the Empire formally over the edge.

Indeed in certain respects the control exercised by a Dominion over its ordinary international relationships was more effective than that exercised by the normal type of formally independent state. The institution of the Imperial Conference had destroyed the very real danger that the Colonial Office (which with the growth of Responsible Government tended more and more to be restricted to the performance of foreign office functions with regard to the Dominions) would become a bottle-neck through which all communications between Great Britain and the Dominions would be forced to pass. The development in the Empire of the method of conference between Cabinets, enabled the Ministers responsible for those government departments which were largely concerned with international relationships, to discuss the best means of dealing with these questions, to decide upon a common policy, and to agree to take the concerted action necessary to carry that policy into effect. The existence of this machinery gave to a Dominion a more effective control over most of its external relations than an ordinary ungrouped state could hope to exercise.

The slighting way in which the Imperial Conference has been regarded by some imperialists, is mainly due to this misconception of foreign policy as practically confined to questions of high policy. *The* " problem of the Common- " wealth " in the eyes of such imperialists was the fact that before the War the Mother Country was bearing more than her share of the defence of the Empire, and that the Dominions were excluded from a share in high policy. Looking back to the records of the Imperial Conference in the light of the War, they found the members of that body seemingly unaware of the existence of one supreme problem of the Commonwealth, and giving but a portion of their time to questions of defence and high policy. Moreover, instead of dwelling

upon the inequality of the Dominions as regards high policy, the members of the Conference emphasised the equality of the Dominions in matters like immigration, trade, tariffs and so forth. Because of this attitude they were accused of falsifying truth and " darkening counsel." [1]

This accusation betrays a misunderstanding of the nature of the Imperial Conference, and of the new conception of international relations which was being worked out in practice by its members. They had begun to see the value of conscious and deliberate co-operation between the governments of the Empire, in controlling, organising, and assisting its various communities in the ordinary routine of their political, social, and economic relationships. The folly of the cry " more and more social control and state interference " in national affairs ; less and less social control and state " interference in international matters," was at length being realised. Here was the birth of a new conception of the state—as an organ whose functions should be, not to divide up and to keep apart various segments of the human race, but rather to relate them, to clear away obstacles, both natural and artificial, to their intercourse, and to assist them to co-operate in the living of a full life. In the light, dim though it may have been, of this new conception, questions of defence and high policy declined considerably in relative importance. In view of the equality of the Dominions with the United Kingdom as regards the very stuff of international relations—trade, migrations, communications, and so on—the leaders of the governments represented in the Imperial Conference had at least some justification for speaking of it as a meeting of governments which, for practical purposes, were equal in status.

VIII. THE IMPERIAL CONFERENCE AND THE CONTROL OF HIGH POLICY

The Imperial Conference at the very beginning concerned itself with high policy, and assumed the right of discussion

[1] *The Problem of the Commonwealth*, by Lionel Curtis (1916), Ch. IX.

and criticism, most of the discussions being held in secret session.[1] In the earlier Conferences such discussions generally centred round questions of high policy immediately affecting the Dominions, and they usually had as their theme some departure from the well established rule of British colonial policy that such questions should only be dealt with in the closest conjunction with the Dominions.[2] It was not practicable for Dominion Ministers to raise the question of the monopoly by the British Government of the *general* policy of the Group, and of the dependence of the Dominions in this matter, until the dependence of the Dominions in defence had ceased, or was well on the way towards ceasing. The first move towards the fulfilment of this essential condition was made at the Defence Conference of 1909, and it is significant that during this Conference the Australian Government made its first protest against the failure to consult the Commonwealth with regard to an important international agreement, namely, the Declaration of London. A second protest was made at the Imperial Conference of 1911, where for the first time the whole foreign policy of the Empire was reviewed in detail by the Foreign Secretary and discussed by Dominion Ministers. At this Conference for the first time the need of general consultation was pressed by the Ministers of several of the Dominions ; and for the first time an equivocal promise of general consultation was given by the Imperial Government.

Curiously enough the discussions on foreign policy were prefaced by Mr. Asquith's famous statement (made in reply to the Imperial Federation proposal of Sir Joseph Ward) to the effect that the British Government were not prepared to surrender to the Dominions any share in the control of foreign policy.[3] The whole of the rest of the Conference was

[1] Cf. Colonial Conference, 1887. *Proceedings*, p. 11, etc.

[2] The attention attracted by several particularly serious violations of this rule (e.g., The New Guinea, Samoan, and the New Hebrides episodes. Cf. Scholefield : *The Pacific : its Past and Future*, pp. 126 ff, 154, 290–99, etc.), must not blind us to the fact that in the main the rule was studiously observed. See Keith : *Responsible Government*, p. 1112.

[3] *Proceedings* (1911), p. 71.

a challenge to, and indeed a contradiction of, this statement. The intimacy and fullness of the survey of foreign policy made by Sir Edward Grey may be gathered from the much quoted assurance given to the Conference, that it had been allowed to listen to an account of the foreign situation in its entirety, such as had never been laid before the Imperial Cabinet itself.[1] None were more fully alive to the importance of this feature of the Conference than the Prime Ministers of the Dominions, especially Mr. Fisher and General Botha. Mr. Fisher's own words are well worth quoting :

" I believe that the people do not fully understand what " has taken place at this Conference. Hitherto we have " been negotiating with the Government of the United " Kingdom at the portals of the household. You have " thought it wise to take the representatives of the Dominions " into the inner counsels of the nation, and frankly discuss " with them the affairs of the Empire as they affect each " and all of us. Time alone will discover what that means. " I am optimistic. I think no greater step has ever been " taken, or can be taken, by any responsible advisers of the " King. I hope, as I feel, that there will be no going back " on that sound principle."[2]

The real significance of this momentous discussion behind closed doors, was shown the moment the Conference resumed its public discussions in the Debate on the motion of Australia regretting that the Dominions were not consulted with regard to the Declaration of London.[3] The two Australian Ministers at once made it clear that they had no intention of confining the discussion to this particular international agreement, but

[1] Cf. *Proceedings* (1911), p. 440.

[2] *Ibid*, p. 438. Cf. also the greatest emphasis laid upon this point by Mr. Fisher after his return to Australia, September, 1911. (*Parliamentary Debates*, pp. 5–6, 129–30.) The vital importance of co-operation in foreign policy could not have been more forcibly impressed upon the Dominion Statesmen than by the fact that the question of the renewal of the Anglo-Japanese Alliance was brought before them for their consideration. This was thus the first great international instrument to be considered in the Conference and accepted by the leaders of each of the Cabinets of the Empire. Keith : *Imperial Unity*, pp. 287–8.

[3] *Ibid.*, pp. 97–134.

were raising the whole question of co-operation in the general foreign policy of the Empire. Consultation in foreign policy should, they insisted, be both general and continuous. It was clear that they had had in mind something much more than mere passive consultation or "information." The Dominions were to bring forward their own suggestions and to co-operate in framing the final policy.[1]

The case thus presented was met generously enough by Sir Edward Grey, who agreed that the Dominions must be consulted with regard to the whole of the negotiations leading up to the next Hague Conference, and with regard to all matters arising out of it. When pressed by Mr. Fisher, he admitted that such consultation should not be confined to this particular kind of convention, but should apply to "treaties generally."[2] The emphasis repeatedly laid upon this concession by the Australian Ministers, (and to a less extent by those of South Africa and New Zealand) not only during this discussion, but also before and after, shows the great importance they attached to it.[3] A close study of the records of the Conference shows how absurd was the statement that most of the Dominion Governments were not fully alive to the fact of their dependence in high policy, and were not anxious to end it—so far as it was possible for any small state to end it—at the earliest possible moment. What they sought, was not, of course, the freedom of an isolated state, but freedom within a group of equal states. They were keenly aware of the fact that in a world of competing and heavily armed states, no Dominion was strong enough —even if any had wished—to afford the luxury of a completely independent policy.

Why then, it may be asked, were they content with the timid and evasive resolution passed at the end of this debate? This resolution promised consultation with regard to "treaties generally," but only "*as far as possible*" and "*when time and opportunity and the subject matter permit.*"[4]

[1] *Ibid.*, pp. 97–100. Cf. p. 90.

[2] *Ibid.*, pp. 113–16.

[3] *Ibid.*, pp. 87–100, 114–15, 130 (views of Mr. Fisher and Mr. Batchelor); pp. 118–19 (Sir Joseph Ward); pp. 125–9 (General Botha).

[4] *Ibid.*, p. 130.

It thus flung wide a hundred doors of escape to a Government which had already formally refused to share foreign policy with the Dominions. Why also were the Dominions not consulted when the shadow of war loomed up in the summer of 1914? The answer to these questions hinges round three points: (1) The attitude of Sir Wilfrid Laurier. (2) The relation of naval defence to high policy. (3) The question of machinery of consultation.

(1) *The attitude of Sir Wilfrid Laurier.* It was the attitude of Sir Wilfrid Laurier which was mainly responsible for the evasiveness already referred to, and which for the time being prevented any real partnership in the policy of the Empire. He made it quite clear in the debate that he regarded with disfavour any proposal for general consultation in foreign policy, because in his opinion this would involve the acceptance by the Dominions of responsibility for the full consequences of this policy, and Canada would then be made liable to take an active part in all England's wars.[1] This policy of limited liability was based on the idea that as part of the American continent Canada's foreign policy was mainly American, while England's was mainly European and Asiatic. For all practical purposes Canada already had control over her relations with the United States.[2] Hence Sir Wilfrid, from his own point of view, was quite consistent in saying in 1910: "We "are a nation. . . . We have practical control of our "foreign relations,"[3] and in refusing to admit that his attitude at the Imperial Conference of 1911 meant a continuance of the dependence of Canada in foreign policy.

(2) *The question of naval defence.* The defeat of Sir Wilfrid

[1] *Proceedings* (1911), pp. 116–17. There was, of course, no question in his mind of Canada being able—without, perhaps, a formal declaration of independence—to maintain technical neutrality in the event of the war being declared by the British Government. But though Canada in such a case would become technically a belligerent, she would retain her right to decide whether this belligerency should remain passive or become in a lesser or greater degree active.

[2] *Round Table*, No. 12, p. 600.

[3] Quoted by Ewart: *Kingdom Papers*, No. 17 (1914), p. 202.

Laurier at the election of 1911 brought into power the Conservative Party led by Mr. Borden, who was already more or less pledged to a repudiation of the doctrine of semi-isolation, and was prepared to take his stand side by side with the Government of Australia in its request for the admission of the Dominions to full partnership in the policy of the Empire. The governments of the two great Dominions realised that a share in foreign policy depended upon their taking an adequate share in the defence of the Empire. But there was a divergence of opinion between them as to the immediate line of advance towards the common goal. The plan adopted by the Australian Government was to build their navy first, and, having built it, to use the fact of its existence as a lever to secure a share in the general foreign policy of the Empire. The plan of the new Canadian Government was to endeavour to get the question of control settled first, before embarking upon a permanent naval policy. The lever to be used to secure this object was the promise of an emergency contribution to the British Navy.

This latter policy was formulated time after time by Mr. Borden and his followers from 1910 onwards in the debates on the naval policy of the Laurier administration.[1] One of the main charges brought against Sir Wilfrid was that he contemplated setting out upon a permanent naval policy, without first settling the question of the control of foreign policy.[2] The importance attached by Mr. Borden to this principle, and his belief that his mission to England in 1912 had succeeded in establishing it, is shown in the following passage from the great speech which he delivered in the Canadian House of Commons after his return :

" When Great Britain no longer assumes sole responsibility " for defence upon the high seas, she can no longer undertake " to assume sole responsibility for and sole control of foreign " policy, which is closely, vitally, and constantly associated " with that defence in which the Dominions participate. It " has been declared in the past, and even during recent years,

[1] Cf. Quotations from Naval Debates in Ewart : *Kingdom Papers*, Vol. I, pp. 247, 273–6, 284–5.

[2] *Ibid.*

" that responsibility for foreign policy could not be shared " by Great Britain with the Dominions. In my humble " opinion adherence to such a position could have but one, " and that a most disastrous, result. During my recent visit " to the British Islands, I ventured on many public occasions " to propound the principle that the great Dominions, sharing " in the defence of the Empire upon the high seas, must " necessarily be entitled also to share in the responsibility " for and in the control of foreign policy. No declaration " that I made was greeted more heartily and enthusiastically " than this. It is satisfactory to know that to-day not only " His Majesty's ministers, but also the leaders of the opposite " political party in Great Britain, have explicitly accepted " this principle, and have affirmed their conviction that the " means by which it can be constitutionally accomplished, " must be sought, discovered, and utilised without delay." [1]

(3) *The machinery of consultation.* The acceptance of this principle—an acceptance however which turned out to be not quite so unequivocal as Mr. Borden had assumed—made urgent the provision of machinery for continuous consultation. In the debates of 1910 and 1911 on the general question of providing a link between the quadrennial Imperial Conferences, there was a general failure to draw clearly a distinction between two different functions: (a) minor diplomatic and administrative functions, which might safely be entrusted to officials such as the High Commissioners, and (b) important political functions relating to large questions of policy which could not be safely entrusted to any save Cabinet Ministers.[2] But when faced with this issue in a practical form the Conference of 1911 made this distinction of function in the most unmistakable way. This was on the occasion of the momentous decision, arrived at in the secret session held in the Committee of Imperial Defence, that the Dominions should be represented upon that body by responsible Ministers rather than by High Commissioners. " The unanimous view of all those present," wrote the Colonial Secretary, " . . . was that the representation of

[1] Keith: *Speeches*, etc. II, pp. 309–10.
[2] Cf. *ante.*, Ch. V, § VI.

" the Dominions should not be by the High Commissioner " but by Ministers who would be responsible to their own " colleagues and Parliament . . . " [1]

This decision opened the road to *continuous Cabinet consultation*, but, important though it was, it had for various reasons less influence upon the situation than might have been expected. In the first place the attendance of Dominion Ministers depended upon the invitation of the British Government, and it was not until more than eighteen months had passed that this invitation was finally issued.[2] The fact that Mr. Borden, the only Prime Minister likely to press for the speedy adoption of the expedient of a Resident Minister, was not made aware of the decision of 1911 until his Government had been in power for nearly a year, is a sufficient commentary upon the purposeful inertness of the British Government.[3] Coming to England in 1912 with the promise of battleships, Mr. Borden was able to induce the British Government to abandon its old position and to agree to the principle of sharing control with the Dominions. He welcomed, as a long step in this direction, though by no means a final step, the idea of a Resident Minister. " Such " minister," he said, " would be regularly summoned to all " meetings of the Committee of Imperial Defence, and would " be regarded as one of its permanent members. No impor- " tant step in foreign policy would be undertaken without " consultation with such a representative of Canada." [4]

Five days after this speech the Colonial Office issued a despatch[5] extending to all the Dominions the invitation to appoint a Resident Minister. The language of the despatch in emphasising that the Committee of Imperial Defence was " a purely advisory body," and that policy remained " the " sole prerogative of the Cabinet," was technically quite correct. But the forms had ceased to correspond closely

[1] Cd. 6560 (1912), Keith: *Selected Speeches*, etc., II, pp. 339–40. For the resolutions passed on this occasion see *ante*, p. 128.

[2] Letter of Colonial Secretary to Dominion Governments, December 10, 1912 (Cd. 6560). Keith, *ibid.*

[3] *Ibid.*

[4] Keith, *op. cit.*, pp. 335–6.

[5] *Ibid.*, pp. 339–42 (Cd. 6560).

with the reality, and the language of the Canadian Prime Minister was in close touch with actual fact. Attended as it was by these Ministers who were chiefly concerned in Imperial policy, the Committee did in fact discuss policy, and the attendance of Dominion Ministers would have greatly strengthened this tendency. Indeed, careful students of the constitution were already predicting that the Committee would develop into an Imperial Council of Ministers controlling the policy of the Empire, but reporting their decisions to the British Cabinet with whom the ultimate decision would continue formally to rest.[1]

The replies of the other Dominions to the invitation of the Colonial Secretary were in no case as favourable as that of Canada. South Africa having as yet no naval policy was content with the existing quasi-diplomatic machinery and the periodical Conferences. New Zealand seemed not unfavourable to the idea, but found it inconvenient to spare a Minister permanently for this work.[2] Australia was unfavourable, partly because of the fear that a Resident Minister might get out of touch with his colleagues, partly because the Committee of Imperial Defence was regarded as a subsidiary advisory body.[3] It was apparently felt that important questions of policy should be dealt with in the Imperial Conference where the Governments were on an equal footing, rather than in a Committee where their representatives attended not as a right, but merely at the will of the British Prime Minister, and where the procedure and form gave an atmosphere of inequality and subordination. Hence the settled policy of the Australian Government from 1911 onwards was to press for more frequent Imperial Conferences, biennial or even annual, as the most fitting means of co-operation in foreign policy.[4]

[1] *Round Table*, September, 1912, pp. 635–7.

[2] Both New Zealand and South Africa suggested that they should be represented on the Committee whenever a Minister visited London. Keith: *Imperial Unity*, pp. 325–6. *Round Table*, September, 1913, p. 326.

[3] *Round Table*, June, 1913.

[4] *Round Table*, September, 1913, p. 734. *Proceedings*, Imperial Conference, 1911, pp. 176 and 438.

The mistake which the Australian and Canadian Governments made was in regarding the two proposals, that of Resident Ministers and that of annual or biennial Imperial Conferences, as alternative rather than as complementary expedients. If they had united in pressing for the adoption of both expedients, some real progress might have been made, before the War, towards co-operation in high politics.

But it was the failure of the Canadian naval policy which did most to check this advance. Unaided by Canada, Australia was unable to bring effective pressure upon the British Government. Scantily populated, exposed, and isolated (unlike Canada which was tucked in comfortably behind the United States) Australia was unable to escape the penalty of weakness—namely, dependence. It was only when the War completely altered the whole situation by thrusting the burden heavily upon the shoulders of the Dominions, that their claim to a full share in foreign policy became at once, and for the first time, urgent and unanswerable.

CHAPTER VII

THE DEVELOPMENT OF IMPERIAL CO-OPERATION DURING AND AFTER THE WAR

I. THE DOMINIONS AND THE WAR

IT had always been recognised by imperialists that a great war would be the supreme test of the strength and political stability of the British Empire, and the war which burst over the horizon in the Autumn of 1914 was a test more severe than even the most pessimistic had imagined. The test showed that the Empire possessed a cohesion which was almost incredible to the German, and astonished even those who thought they knew the full meaning and extent of "Imperial Unity." There is ample evidence to show that the German Government completely misjudged the attitude of the Dominions towards the United Kingdom. As Sir Robert Borden has said: "It pictured "Canada, Australia, and New Zealand as standing aloof and "indifferent, or seeking an opportunity to cut themselves "adrift from the Empire."[1] Bernhardi, before the War, showed the normal German understanding of the situation in his light dismissal of the Dominions: "They can be "completely ignored so far as concerns any European "theatre of War."[2] Yet the response of most of the Dominions to the German onset was almost as unquestioned, as immediate, and as complete, as that of the United Kingdom. By the end of 1918 the Dominions had enlisted nearly a million and a half men, and their war expenditure was well

[1] *Speech* (1915), Borden: *The War and the Future*, p. 23.
[2] *Germany and the Next War* (1914), p. 135.

on towards a thousand million pounds.[1] Both Canada and Australia had suffered greater losses of men than the United States.

Why did the Dominions enter thus unhesitatingly, and endure so steadfastly to the end ? The motives were various. There was the primary and elemental motive of fear—the feeling in Australia, New Zealand and South Africa that only the United Kingdom and the British Navy stood between them and annexation by a victorious Germany. But without doubt the strongest and finest motive of all, felt instinctively from the first, and more and more clearly expressed as the War went on, was the belief that the War was in a large measure a conflict between two principles—British freedom and German absolutism. The idea that a free society of nations like the British Empire could be anything but supremely weak, was simply beyond the comprehension of the devotees of Prussian absolutism. But to Dominion statesmen, freedom was the very essence of the strength of the Empire. By no one was this expressed more clearly than by the Prime Minister of Canada soon after the outbreak of the War :

" The strength of the Empire rests upon the eternal " foundation of liberty expressed in the ideal and consum- " mation of autonomous self-government which is vested " in the people of the self-governing Dominions as of right, " not of grace." [2]

But freedom was only one of two twin principles ; the other was the principle of unity—the concern of each member of the British Society of Nations in the well-being of the whole Group. Behind the intervention of the Dominions there was something more than the motive of Imperial unity,

[1] The War Expenditure of the five Dominions to March 30, 1919, was - - - - - £656,984,600
Add Capitalised cost of Pensions - - - £205,450,000

TOTAL - £862,434,600

(Answer by Under Secretary of State for Colonies to a question in the House of Commons, March 13, 1919).

[2] Borden, *ibid.*, p. 126.

there was also to a certain extent the motive of world unity—the concern of each state in the well-being of a dimly seen, but real, world-society of states. Their action was significant, not because of its rejection of technical neutrality (which could probably have been attained by any member only at the cost of formal separation from the other members of the Group) but because of its clear and unhesitating repudiation of what might be called the doctrine of neutralism, of lack of active concern in the fact of conflict between members of the world of states. President Wilson's epoch-making statement that "no nation can any longer remain neutral as against any "wilful disturbance of the peace of the world," the abandonment by America of her policy of magnificent isolation, and the adoption of the principle of unneutrality as the very essence of the League of Nations—all these greater and more recent events have tended not a little to obscure the foreshadowing of these developments, as shown in the intervention of the Dominions. The historian in the future, in searching for the immediate sources of the ideas which led up to the League of Nations, may find his search taking him back in unexpected ways to the action, in the early days of the War, of Canada, Australia, New Zealand, and South Africa. There is little doubt that he will find one of the main causes of American intervention to have been the ceaseless strife, from end to end of the long northern frontier, between the old ideal of splendid isolation and the new conception of world-community which was growing slowly in Canada.

II. THE CONTROL OF FOREIGN POLICY AND THE CAMPAIGN FOR IMPERIAL FEDERATION

But the War was not merely a testing of principles, it was also a testing of political machinery. The principles of the Empire stood the test triumphantly, but what of its political machinery? The machinery of co-operation on its naval and military side bore the strain better even than its makers had dared to hope. It was on the political side that the

great weakness was revealed. In the five years before the War the great advance had been in the development of machinery for naval and military co-operation. During the five years of war the great advance was in the development of the political machinery of co-operation.

As we have seen, the method of conference had only been half-heartedly adopted by the self-governing states of the Empire. Between each Conference there were long intervals during which they sank back into the old method of diplomacy. The War caught them in one of these troughs, and the Dominions had to pay in full the price of their delay in securing a share in the control of the general foreign policy of the Group. By an extraordinary blunder, a blunder shared in by some of the Dominion Governments, the method of Conference was abandoned during the early years of the War—just at the moment when it was supremely needed. The normal Imperial Conference which was due in 1915 did not meet. But even without the enlightenment of a Conference the great lesson of the War stood out sharply. It taught the Dominions in the sternest fashion the meaning and the vital importance of high policy, and it revealed in the most startling way the full extent of their dependence upon the United Kingdom in this matter. The British Parliament was consulted at the eleventh hour, but neither with the Governments nor with the Parliaments of the Dominions was there any direct consultation on the immediate issue.[1] Moreover, by thrusting upon the Dominions the full burden of their national defence, the War destroyed the last and the greatest reason for dependence in high policy.

Again it was Sir Robert Borden who put the new position most clearly. "When," he said, in explaining the effect of the War upon the Empire, "mighty armies from the "Dominions and the Dependencies arrayed themselves in "its battle line, a new and impressive epoch in its history "was marked . . . It is realised that the great policies and

[1] The visits of individual Dominion Ministers to England between 1911 and 1914 had, of course, made the Dominion Governments familiar with the general situation which led to the outbreak, and they unanimously approved and accepted the decision of the United Kingdom.

"questions which concern and govern the issues of peace "and war cannot in future be decided by the people of the "British Islands alone." [1] These sentiments were echoed time after time by the leading Dominion statesmen in the first two years of war Mr. Fisher in January, 1916, protested with perhaps a little exaggeration, that even as Prime Minister of Australia he had had "no say whatever about Imperial "policy," "Now that can't go on," he added. "There must "be some change."[2] Mr. Hughes, his successor, in June of the same year protested that the power to involve the Dominions in war was in reality a power "to reduce the "self-governing powers of the Dominions." It was in fact a power to modify their whole future policy and to compel them to impose "heavy taxation upon themselves." He followed in the wake of Mr. Fisher: ". . . there must be "a change, and it must be radical in its nature."[3] Mr. Massey and Sir Joseph Ward, the New Zealand leaders, repeated that "there must be a change." Most of the leading English statesmen joined in the chorus. Mr. Bonar Law, as Colonial Secretary, said in 1916:

"It is not a possible arrangement that one set of men "should contribute the lives and treasure of their people "and should have no voice in the way in which those lives "and that treasure are expended. That cannot continue. "There must be a change." [4]

As to the nature and extent of this change, which all agreed must come, there were, as there had always been, divided opinions. Once more the old issue between Imperial Federation and Imperial Co-operation was fought out. Wherever Imperialists were gathered together, either in England or in the Dominions, the doctrine of an Imperial super-state was heard. Speeches, pamphlets and books were published advocating it. Never before, it was argued, had there been a chance like this to achieve "organic union."

[1] Borden: *The War and the Future*, p. 39. Speech, December 22, 1915.
[2] *The Times*, January 31, 1916.
[3] *Ibid.*, June 24, 1916.
[4] *Ibid.*, September 13, 1916.

Such an opportunity might never come again. The Dominions had come willingly into this war, but what of the next war? Its justice might not be so apparent, and the Dominions might not be willing to come. Hence, it was said, the need of some Imperial machinery to avoid such a disastrous contingency. The moment the war ended an Imperial Convention must be summoned to thrash out the whole question.

The outstanding contributions made by federalists to the discussion were those made by the great quarterly review of Imperial politics, "*The Round Table.*" Most important of all was the contribution made by Mr. Lionel Curtis, the leader of the "Round Table" group in England, in his book *The Problem of the Commonwealth*, published in the summer of 1916. The importance of the book lay not only in its intrinsic merit (no more brilliant exposition of the case for Imperial Federation had ever been published, and it had the supreme virtue of startling people into thought on a great issue) but also in its representative character. It was based on the work of a number of groups of students in all parts of the Empire, who for six years had been investigating "the Imperial problem," and had issued, for private circulation, report after report, and draft after draft, dealing with its different aspects. I am not concerned in this chapter with the main arguments of Mr. Curtis, but rather with his estimate of the situation as it stood in 1916, and in his forecasting of the future.

The whole strength of his case depended, first upon the belief that history had demonstrated conclusively the nature of the "brutal dilemma" which faced the Commonwealth; and secondly upon the assumption that the factors were sufficiently well known to enable human reason to make an accurate forecast of future developments, and to justify it in drawing up elaborate plans for a federal super-state. Bearing this in mind, it is important to notice how lamentably Mr. Curtis failed to forecast the development of the Imperial constitution during the War, and how completely he underestimated the capacity for expansion of the accepted method of Imperial Co-operation.

His thesis was that the War had revealed in an unmistakable fashion the complete breakdown of the method of co-operation, and had once and for all demonstrated the necessity for Imperial Federation.[1] While the War lasted there was no way out of the pit. Peace must come, as war came, without personal consultation; but the moment Peace had been signed, the representatives of the Empire must hurry into an Imperial Convention and seek to escape from their "brutal dilemma" by devising the constitution of an Imperial Federation.

On a superficial view, the events of 1914–16 fitted in amazingly well with this thesis—so well that not to have accepted them on their face value would have required the greatest self-restraint. Mr. Curtis showed no such self-restraint. The facts were as follow: The Imperial Conference had not been available for consultation with regard to the outbreak of war. Might it not be available as a means of consultation with regard to the terms of Peace? The Conference was due to meet in 1915. It was announced in a statement made by the Colonial Secretary in the House of Commons on April 14, 1915, that, moved thereto by the Prime Minister of Australia, he had inquired of the other Dominion Governments whether they considered practicable the holding in that year of a "normal Conference" with, as he explained in the House, "all the paraphernalia of "miscellaneous resolutions, protracted sittings, shorthand "reports and resulting Blue Books." The replies were in the negative. At the same time the Colonial Secretary announced that he had assured each Prime Minister that it was "the intention of His Majesty's Government to

[1] It is only fair to mention that these conclusions were not accepted by at least some of the colleagues of Mr. Curtis on the staff of the *Round Table*. A writer in the March number of 1917, summed up the position as it then stood with perfect fairness when he wrote: "The "man who ventures to affirm that co-operation has broken down under "the stress of the war may possibly be right, but his case cannot yet "be held as proven. Indeed, co-operation has yielded results far "beyond anything which even its most fervent advocates would have "foretold before the event. But that the existing machinery of "co-operation has shown itself to be inadequate is an indisputable "proposition."

" consult him most fully and, if possible, personally, when " the time arrives to discuss possible terms of peace."

Mr. Curtis willingly accepted these views as to the impracticability of holding an Imperial Conference,[1] and proceeded to show very effectively that consultations with regard to the terms of peace could be of little value unless they were personal. But personal consultation he assumed to be out of the question, because so long as the war lasted neither British nor Dominion Ministers could " properly spare the " time." For Mr. Curtis therefore the verdict both of experience and of reason was conclusive : " If experience " proves anything, then, it is this—that in a real crisis of " foreign affairs the Conference is not available as a means " to co-operation. The responsible governments of the " Commonwealth cannot consult together in the one way " which is really effective. Not only must the British " Government decide, but the Dominions must accept its " decision without taking counsel together in the only real " sense of the word."[2] Thus both experience and reason taught, that between 1916 and the great post-war Convention to decide upon or reject Imperial Federation, there was nothing but a dreary prospect of dependence, unrelieved by any Imperial Conference, unrelieved by any striking developments in the Imperial constitution or in the methods and organs of Imperial Co-operation, unrelieved even by any direct share of the Dominions in the making of the Peace. The forecast of the method by which Peace was to be concluded is especially noteworthy in the light of after events : " The Dominions have thus seen themselves com- " mitted to war by a Government responsible only to the " people of the British Isles. And this experience is destined " to be completed, for they will see themselves committed " to peace by ministers who are not responsible to them- ' selves . . . Their representatives will not be admitted to " the conference at which that peace is finally made. The

[1] It should be pointed out that the *Round Table*, in an important article in 1915, had urged the summoning of a Conference.

[2] *Problem of the Commonwealth*, p. 122. For the whole case see pp. 109–122.

"plenipotentiary who will go to it will be a minister "responsible only to the people of the British Isles through "the parliament they elect. Its responsibility for that "minister and for his policy cannot be shared with the "parliaments of the Dominions, and the responsibility of "British ministers for foreign affairs cannot be shared at "the Conference with ministers from the Dominions." [1]

It is important to realise that this estimate of the existing situation, and this forecast of the future, were accepted in 1916 by most advocates of Imperial Federation. A striking example of this fact may be seen in an address delivered by Lord Milner before an important conference of British and Dominion Members of Parliament summoned by the United Kingdom Branch of the Empire Parliamentary Association on July 28, 1918.[2] In this address Lord Milner expressed complete agreement with the general argument of Mr. Curtis, making lengthy quotations from his book, and also accepted the main lines of his plan for Imperial Federation. The resulting discussion showed that not a single Dominion Member present agreed either with Mr. Curtis or Lord Milner. Like Mr. Curtis, Lord Milner regarded the method of co-operation by means of cabinet conferences, as incapable of any profitable development. The Imperial Conference was merely a "useful" and "estimable" institution, but was "not "likely to cut much ice in Imperial questions of the first "magnitude," because it had "neither the time, nor the "disposition nor the authority." The best possible proof of "its admitted uselessness for these high purposes," Lord Milner argued, was the indefinite postponement by "general "consent" of the meeting of the Conference which should have been held in 1915. "That means," he concluded, "that the negotiations for peace, like the conduct of the War, like the policy which led up to the War, will be entirely in the hands of the British Cabinet, with or without consultation with any Dominion statesmen who happen to be handy."

In the remainder of this chapter the comments of 1917 to

[1] *Ibid.*, pp. 112–13.

[2] This address and others were afterwards published by the United Kingdom Branch of the E.P.A.

1919 upon these confident generalisations and prophecies will be chronicled. The comments may be summed up briefly as follows. A few months after these views had been expressed, and had found general acceptance amongst advocates of Imperial Federation, and without any striking change having taken place in the war situation, save the coming into power of Mr. Lloyd George's government in December, 1916, the method of co-operation by means of cabinet conferences underwent an enormous development. Early in 1917 the Imperial Conference met in the guise of the Imperial War Cabinet.[1] This conference of cabinets met henceforth annually ; it was a body which, as experience proved, had both the time, the disposition, and the authority to deal with Imperial questions of the first magnitude ; it was a body in which, as experience proved, the Prime Ministers of the Dominions were able to meet the Prime Minister of the United Kingdom on a footing of perfect equality, and were able to take the fullest possible share in determining war policy, and in drawing up the terms of peace. Finally the representatives of the Dominions were admitted to the Peace Conference, took part in its deliberations, and were accorded separate and full representation in the League of Nations. Well might Sir Robert Borden say at the Imperial Conference of 1917, as he looked back over the eighty years, since the Durham Report, during which statesmen had been exploring the problem of international government in the Empire, " . . . it is " unwise, having regard to the lessons of the past, for any of " us to predict absolutely the developments of the future."[2]

III. THE CONSTITUTIONAL DEVELOPMENTS. THE IMPERIAL WAR CABINET

The nature and functions of the Imperial War Cabinet can only be understood in the light of the evolution of the British

[1] Lord Milner showed that he filled the rôle of statesman better than that of prophet by playing a leading part in the summoning of this Conference.

[2] *Proceedings*, p. 41.

War Cabinet upon which it was grafted. When war came there were two bodies available for its conduct. One was the ordinary Cabinet of twenty-two Ministers. The other was the Committee of Imperial Defence whose composition and functions have already been described.[1] The experience of the first eighteen months was well summed up in the saying of Mr. Lloyd George: "You cannot run a war with a Sanhedrin." More than half a century before, Macaulay had been horrified at the idea of a Cabinet of sixteen, and the impossibility of dealing satisfactorily with the more important and pressing questions of public policy, such as defence and foreign affairs, in a debating society of more than twenty ministers, led inevitably to the tendency, already well marked before the war, to deal with such matters in a kind of Inner Cabinet composed of the more important Ministers.[2] The constantly widening scope of government action during the War made necessary the creation of a number of new Ministries. This occurred at a time when every week was making it more obvious that the efficient conduct of the War required a much smaller War Executive. The main question to be decided was whether such an executive should be merely a committee of the Cabinet, the final authority resting with the whole Cabinet, or whether the executive should itself finally settle questions, without reference to the full Cabinet. The first two years of the War showed a continued alternation from one method to the other. The experiments with different types of war executive during these years have been succinctly described in the words of one who was a prominent member of the secretariat which served each executive in turn:[3]

"The executive body responsible for the conduct of the "war in 1914 was a Cabinet of twenty-two ministers. . . . "The Cabinet was assisted by the Committee of Imperial "Defence, but the activities of that body fell into abeyance, "although it was never formally abolished, shortly after "the outbreak of war. The Secretariat survived, and was

[1] See *ante.*, Ch. VI.

[2] See Low: *The Governance of England* (1914 Ed.), Ch. IX.

[3] See paper read by Sir George Aston at the Royal Colonial Institute, November 12, 1918, printed in *United Empire*, December, 1918.

"used by each of the various executive bodies that were "subsequently devised. The first of these—up to November, "1914—was the Cabinet representing the Liberal Party. "Then came the 'War Council,' which was a 'Committee "'of the Cabinet, with some experts added.' This body "resembled in composition the Committee of Imperial "Defence, but it finally decided the most important matters, "and acted upon such decisions without reference to the "Cabinet. Control was thus exercised by the War "Council, with occasional reversion to Cabinet control, for "about four months. From March 19, 1915, the Cabinet of "twenty-two members resumed control, and in June the "'War Council' became the 'Dardanelles Committee.' "After the Coalition Government was formed in May, 1915, "a 'War Committee' was instituted, with the same func-"tions as the War Council, but the final responsibility rested "not with them, but with the Cabinet."

With the coming into power of Mr. Lloyd George in December, 1916, a new method of governmental organisation was introduced—that of the War Cabinet of five—which is best described in the words of the Official Report for the year 1917:[1]

"The system of the War Cabinet distinguishes between "the body which is responsible for the supreme direction of "the war and the Ministers who have charge of the great "administrative departments of State. The general direc-"tion of the policy of His Majesty's Government during the "War rests with the War Cabinet, whose members, with one "exception, are relieved of the day-to-day preoccupations of "administrative work, and whose time is, therefore, entirely "available for initiating policy and for the work of co-ordinat-"ing the great Departments of State."

This revolution in the system of Government, which "more "than doubled the scale and rate of working" of the supreme Executive,[2] made possible the creation of a number of new and urgently needed departments. The fact that, with one

[1] *The War Cabinet: Report for the Year* 1917, p. 1.
[2] Statement by Lord Curzon in the House of Lords, May 3, 1917.

exception (that of the Chancellor of the Exchequer),[1] the heads of all the great Departments of State (including the First Lord of the Admiralty, and the Secretaries of State for War and Foreign Affairs) were outside the War Cabinet, made the task of linking up the Departments with each other and with the War Cabinet of supreme importance. An elaborate machinery to effect this was evolved which is described in detail in the Report already mentioned.[2] Ministers were called into consultation whenever questions affecting their departments were under consideration, and as a further means of co-ordination a double system of weekly reports passed to and from the War Cabinet and the departments, and also from department to department. In order to effect this, minutes were kept of the discussions in the War Cabinet—thus breaking down the sacred tradition of the Cabinet that the Prime Minister alone had power to take notes of the deliberations. One of the most important and effective of the new pieces of machinery created to work this new system was the War Cabinet Secretariat, which was built up upon the nucleus of the Secretariat of the Committee of Imperial Defence.[3] The secretariat not only performed the primary duties of such a body (such as the preparation of agenda and the taking of minutes), but also by means of a complete system of liaison officers, acted as a link between the War Cabinet and all the departments of government.

The rough separation of domestic from Imperial concerns, which the creation of this new type of executive involved,[4] was followed immediately by the summoning of the Dominion Prime Ministers to a Conference; and the concurrence of these two events at once laid bare, to those who had vision,

[1] Mr. Bonar Law combined the Offices of Member of the War Cabinet, Chancellor of the Exchequer, and Leader of the House of Commons.

[2] Pp. 1–4. Cf. *Report* for 1918, pp. 1–11.

[3] *Ibid.* (1917), p. 3. The Prime Minister was also provided with a small Secretariat to assist him in the discharge of the heavy responsibilities which fell upon him under the War Cabinet system.

[4] This was followed by the creation of a "Home Affairs Committee," consisting of the "Ministers connected with the principal Home Departments," and presided over by the Home Secretary (Statement by Lord Curzon in House of Lords, June 20, 1918).

a great possibility. This possibility was the expansion of the British War Cabinet into the Imperial War Cabinet by inviting the Dominion Ministers to deliberate with the members of the former body. There was thus created a body which, while not differing in essence from the older Imperial Conference, gave the Dominions for the first time the reality as well as the forms and procedure of complete equality of status, and which formed in a new and unprecedented sense the supreme governing body of the British Empire.

In describing the momentous events which took place in London in the spring of 1917, we must make a careful distinction between three different but closely connected bodies. These were the Imperial War Cabinet, the Imperial War Conference, and the British War Cabinet. These bodies correspond to a natural division in the kind of work to be done. The original invitation had been to a "Special War "Conference," which was to take the form of a series of special and continuous meetings of the War Cabinet. What happened in practice may be seen from the following passage in the *War Cabinet Report for* 1917 (p. 7):

"Practical convenience determined that the War Con- "ference should be divided into two parts. On the one "side were meetings of what came to be known as the Imperial "War Cabinet, which consisted of the Oversea Representa- "tives and the Members of the British War Cabinet sitting "together as an Imperial War Cabinet for deliberation about "the conduct of the war and for the discussion of the larger "issues of imperial policy connected with the War. On the "other side was the Imperial War Conference presided over by "the Secretary of State for the Colonies, which consisted of "the Oversea Representatives and a number of other "Ministers, which discussed non-war [Imperial] problems or "questions connected with the war but of lesser import- "ance."[1]

It was found necessary to hold meetings of the British War Cabinet alternating with the meetings of the Imperial War Cabinet, for the purpose of dealing with war business which

[1] The meetings of the Imperial War Conference were not attended by members of the British "War Cabinet."

primarily concerned the domestic affairs of the United Kingdom.

The significance of these constitutional developments has never been more lucidly set out than in a speech by Sir Robert Borden on April 3rd before the Empire Parliamentary Association. The speech has now become almost a classical statement of the nature and meaning of the Imperial War Cabinet, and is therefore worth quoting at length :

" It may be that in the shadow of the war we do not clearly realise the measure of recent constitutional development. . . " For the first time in the Empire's history there are sitting " in London two cabinets, both properly constituted and " both exercising well defined powers. Over each of them the " Prime Minister of the United Kingdom presides. One of " them is designated as the 'War Cabinet' which chiefly devotes " itself to such questions touching the prosecution of the War " as primarily concern the United Kingdom. The other is " designated as the ' Imperial War Cabinet,' which has a " wider purpose, jurisdiction, and *personnel*. To its deliberations have been summoned representatives of all the " Empire's self-governing Dominions. We meet there on " terms of equality under the presidency of the First Minister " of the United Kingdom ; we meet there as equals, he is " *primus inter pares*. Ministers from six nations sit around " the council board, all of them responsible to their respective " parliaments and to the people of the countries which they " represent. Each nation has its voice upon questions of " common concern and highest importance as the deliberations proceed ; each preserves unimpaired its perfect autonomy, its self-government, and the responsibility of its " ministers to their own electorate. For many years the " thought of statesmen and students in every part of the " Empire has centred around the question of future constitutional relations ; it may be that now, as in the past, the " necessity imposed by great events has given the answer."[1]

An analysis of this statement reveals three outstanding points, which were amply corroborated by various statements

[1] Quoted in *The War Cabinet Report* (1917), pp. 8–9. Cf. Speech before same body in 1918, *War Cabinet Report*, 1918, pp. 7–8.

emanating from the other Dominion statesmen, as well as from Mr. Lloyd Geroge and his colleagues in the British Ministry. These points are (a) that the Dominion members "occupied a status of absolute equality with that of the "members of the British War Cabinet,"[1] that is, they attended not as advisers, but with the full powers of question, of examination, and of initiation, hitherto reserved to the chief Ministers of the British Government; (b) that each nation had its full voice and share in determining both military and foreign policy—especially with regard to the terms of peace, (c) that each nation preserved unimpaired "its perfect "autonomy, its self-government, and the responsibility "of its Ministers to their own electorate." These points indicated that, so long as the Imperial War Cabinet met, the conception of the British Commonwealth as an intimate group of autonomous states co-operating in matters of common concern was in practice almost completely attained.

It was clear also from Sir Robert's statement that the Imperial War Cabinet was not a "cabinet" in the strict sense of the word. It was, in the apt phrase used by Sir Robert in making his report to the Canadian House of Commons, "a "Cabinet of Governments rather than of Ministers."[2] The use of the term "Cabinet" to designate a body which had no collective responsibility, which was not responsible to, that is, dismissible by, any one parliament, was sufficient to make the most respectable textbooks on the British Constitution tremble in their shelves. But beside the obvious justification of convenience, there was the further justification that despite its peculiar nature the Imperial War Cabinet was an effective executive body. Its effectiveness lay in the fact that the representatives who attended its meetings commanded majorities in their respective parliaments. They were therefore able in practice to come to decisions involving both legislative and executive action, which they could rely upon being accepted by their respective parliaments, with almost as much certainty as an ordinary cabinet

[1] Mr. Lloyd George's statement in the British House of Commons, May 17, 1917.

[2] May 18, 1917.

can rely upon its decisions being accepted by the parliament to which it is collectively responsible. The way of the Imperial War Cabinet was the only known way of securing an effective international executive body without resorting to the doubtful expedient of an international super-state. The term "Cabinet" as applied to this international executive had the further advantage of emphasising the essential equality between the United Kingdom and the Dominions upon which Sir Robert Borden laid so much emphasis. This status of equality was still further emphasised by the fact that the Secretariat of the Imperial War Cabinet was the same as the Secretariat of the British War Cabinet,[1] in place of the dependent Colonial Office Secretariat to which the Imperial Conference of 1907 had agreed, despite the desire expressed by several of the Dominions for an independent body.

Even this scanty digging about the roots of the Imperial War Cabinet makes clear a fact which disappointed Federalists were quick to notice,[2] namely, that this body was but "the old Imperial Conference in a new and more executive guise" —with a new name, new rules and procedure, a different secretariat, and a different place of meeting. It was true that these changes made no fundamental alteration in the principle of Imperial Co-operation; no Dominion government would have accepted them if they had made any such alteration. But it is also true that these few changes made one of those great unponderable differences whereby we distinguish the work of statesman from the craftsmanship of politicians. Even if after the war the newer term "Imperial Cabinet" is replaced by the older and more accurate term Imperial Conference (the necessity of two bodies, not very dissimilar in composition and functions, having disappeared with the passing of war conditions) as the designation of the conference of Ministers which in some form or other will be established, the newer term will still have done a great service in marking and emphasising the new status of equality secured by the Dominions from 1917 onwards.

[1] *Report of War Cabinet* (1917), p. 3.
[2] *Round Table*, June, 1917.

The Imperial War Cabinet met first on March 20, 1917, and held its fourteenth and last meeting on May 2nd. It was obvious to all that there could be no going back upon the great precedent thus set. Hence at its last meeting it came to a decision which was justly described by Mr. Lloyd George in his statement to the House of Commons on May 17th as " a memorable landmark in the constitutional history " of the British Empire." This decision was that the Imperial Cabinet should meet annually, and it is of such outstanding importance that the British Prime Minister's lucid account of it must be quoted in full.

" The Imperial War Cabinet was unanimous that the new " procedure had been of such service not only to all its " members but to the Empire that it ought not to be allowed " to fall into desuetude. Accordingly at the last session I " proposed formally, on behalf of the British Government, " that meetings of an Imperial Cabinet should be held annually " or at any intermediate time when matters of urgent Imperial " concern require to be settled, and that the Imperial Cabinet " should consist of the Prime Minister of the United Kingdom " and such of his colleagues as deal specially with Imperial " affairs, of the Prime Minister of each of the Dominions, " or some specially accredited alternate possessed of equal " authority, and of a representative of the Indian people to " be appointed by the Government of India. This proposal " met with the cordial approval of the Overseas representa- " tives, and we hope that the holding of an annual Imperial " Cabinet to discuss foreign affairs and other aspects of " Imperial policy will become an accepted convention of " the British Constitution.

" I ought to add that the institution in its present form " is extremely elastic. It grew, not by design, but out of " the necessities of the war. The essence of it is that the " responsible heads of the Governments of the Empire, with " those Ministers who are specially entrusted with the conduct " of Imperial policy, should meet together at regular intervals " to confer about foreign policy and matters connected there- " with, and come to decisions in regard to them which, subject " to the control of their own Parliaments, they will then

" severally execute. By this means they will be able to obtain " full information about all aspects of Imperial affairs, and to " determine by consultation together the policy of the Empire " in its most vital aspects, without infringing in any degree " the autonomy which its parts at present enjoy."[1]

The significance of this development is almost too obvious for comment. At a single stroke the gap between cabinet conferences was cut down from four years to one. As we shall see more clearly later, this proposal—together with the proposal accepted in 1918 that the Dominions should be represented by Resident Ministers who should attend meetings of the Imperial War Cabinet " to be held regularly between the plenary sessions "[2]—gives us the key to the future development of the " executive " body of the British Commonwealth.

IV. THE CONSTITUTIONAL RESOLUTION OF 1917. CONTINUOUS CABINET CONSULTATION

An event of even greater importance than the institution of the annual Imperial Cabinet was the great debate on the future constitution of the Empire, which took place in the Imperial War Conference. The debate ended in the passing of the famous Constitutional Resolution of 1917, which ran as follows :

" The Imperial War Conference are of opinion that the " readjustment of the constitutional relations of the com- " ponent parts of the Empire is too important and intricate " a subject to be dealt with during the War, and that it " should form the subject of a special Imperial Conference " to be summoned as soon as possible after the cessation " of hostilities.

" They deem it their duty, however, to place on record " their view that any such readjustment, while thoroughly " preserving all existing powers of self-government and

[1] Statement in House of Commons, May 17, 1917.

[2] Imperial War Conference (1918), *Proceedings*, p. 165.

"complete control of domestic affairs, should be based upon "a full recognition of the Dominions as autonomous nations "of an Imperial Commonwealth, and of India as an important "portion of the same, should recognise the right of the "Dominions and India to an adequate voice in foreign policy "and in foreign relations, and should provide effective "arrangements for continuous consultation in all important "matters of common Imperial concern, and for such necessary "concerted action, founded on consultation, as the several "Governments may determine."[1]

This resolution was a fitting celebration of the thirtieth anniversary of the first meeting of the Imperial Conference, because here for the first time was a clear and precise statement of the goal towards which the Imperial Conference had for thirty years been feeling its way—the ideal, that is, of an intimate society of equal and autonomous states, conducting their common affairs by continuous consultation followed by concerted action. The resolution was very carefully constructed and was the result of much private discussion before it appeared in the semi-publicity of the Conference Room. Hence the fact that it was so framed as to shut out completely the solution of Imperial Federation, is doubly significant. This fact placed beside the fact that the resolution was passed at the moment when the hopes of the federalists were at high water mark, as a result of the great imperialistic revival caused by the War, emphasised the decisive nature of the defeat administered to the idea of a federal super-state.

The Advance of 1918

In 1918 the work of Imperial reconstruction was carried a stage further. The Imperial War Cabinet met a second time for six weeks, from June to July, of that year. It met again after the Armistice, and remained in continuous session (taking the form in Paris of the "British Empire Delegation")

[1] *Proceedings*, p. 61.

until the signing of Peace in June, 1919.[1] The tremendous stimulus given by the War to the spirit of nationhood in the Dominions, and the feeling that there were several urgent questions of Imperial reconstruction which required instant attention and could not be postponed to some far off post-war Conference, induced the members of the Imperial War Conference (and of the Imperial War Cabinet) of 1918 to take two more important steps towards the goal of the 1917 Resolution—the "full recognition of the Dominions as "autonomous nations of an Imperial Commonwealth." These steps were expressed in two resolutions passed on July 30th by the Imperial War Cabinet after a debate in the Imperial War Conference.[2]

The resolutions were as follow:

I. (1) The Prime Ministers of the Dominions, as members of the Imperial War Cabinet, have the right of direct communication with the Prime Minister of the United Kingdom and *vice versa*.

(2) Such communications should be confined to questions of Cabinet importance. The Prime Ministers themselves are the judges of such questions.

(3) Telegraphic communication between the Prime Ministers should as a rule be conducted through the Colonial Office machinery, but this will not exclude the adoption of more direct means of communication in exceptional circumstances.

II. In order to secure continuity in the work of the Imperial War Cabinet and a permanent means of consultation during the war on the more important questions of common interest, the Prime Minister of each Dominion has the right to nominate a Cabinet Minister, either as a resident or visitor in London, to represent him at meetings of the Imperial War Cabinet to be held regularly between the plenary sessions.

[1] The Prime Ministers of Canada and of Australia (Sir Robert Borden and Mr. Hughes) were absent from their respective Dominions during practically the whole of the year, June, 1918, to June, 1919. General Smuts remained in England as a member of the Imperial War Cabinet, or of the British War Cabinet, from the beginning of 1917 until after the signing of Peace.

[2] For the latter debate see *Proceedings*, pp. 155–165. The Resolutions are printed on p. 165.

The first of these resolutions was a further step in the direction of formal equality of status. It aimed at the elimination of the Colonial Office as an intermediary between the Dominion Governments and the Government of the United Kingdom, except as regards questions not of "cabinet "importance." As was pointed out during the debate in the Imperial War Conference, and indicated in the resolution, this was not the introduction of a new principle, but a logical development of the practice adopted in the Imperial War Cabinet, and in the Imperial Conference, where the Governments were brought face to face, "all circumlocutions, "all intermediaries" having been swept away.[1]

The second resolution aimed at securing immediately, without waiting for the post-war Conference, the "continuous "consultation," spoken of in the 1917 Resolution. The establishing of an annual Imperial Cabinet had still left a gap during which, unless a further constructive step were taken, the nations of the Empire would be forced to revert, in some form or other, to the old method of diplomacy. The only satisfactory method yet suggested of filling up such a gap is the method adopted in the resolution—the expedient of Resident or Visiting Cabinet Ministers. The importance of the advance is indicated by the fact that nearly two decades of discussion and controversy were required to hammer out the expedient and to bring it to something like its final shape.[2]

The debate in the Imperial War Conference which led to the passing of these two resolutions, was in effect a continuation of the 1917 debate on the future constitution of the Empire, and was remarkable for its vigorous insistence upon the nationhood of the Dominions, and upon the necessity of equality of status in all vital matters. The Ministers who took part in both these debates, and especially the second,

[1] *Ibid.*, p. 155. In reply to a question, Mr. Bonar Law has recently stated (*Hansard*, May 4, 1920) that in accordance with this resolution continuous communication has since been maintained with the Dominion Prime Ministers—papers on matters of Imperial concern being forwarded weekly to them. On the question of the future of the Colonial Office, see below, pp. 274-7.

[2] Cf. *ante*, Chapters V. and VI.

spoke as the leaders of nations conscious and proud of their nationhood: they spoke with a confidence and power far greater than that shown in any of the pre-war Conferences. To anyone who reads these debates, who realises the part played by the Dominions in the War, or who has been familiar with popular feeling in any one of the Dominions during this period, the great developments of 1919—the part played by the Dominion Ministers in the Peace Conference and the representation of the Dominions in the League of Nations—will appear as the natural and inevitable sequel of the age that lies between 1914 and 1918.

V. THE DOMINIONS AND THE PEACE CONFERENCE

The Problem of Representation

The moment it became evident that the Dominions were putting all their strength into the War, the problem of their representation at the Peace Conference began to arise. Were they to remain, in fact as well as in form, dependent upon the United Kingdom, for the making of Peace, or were they to receive direct representation at the Peace Conference? The precedents with regard to the representation of the Dominions at international conferences pointed to the possibility of their being directly represented in the Peace Conference by their own plenipotentiaries appointed by the Crown.[1] But in the first two or three years of the War it was not clear that this course would be adopted, and leading English writers on the Empire inclined towards the view that the Dominions should be represented "merely . . . in "an advisory capacity."[2] The meeting of the Imperial War Cabinet in 1917, however, and the decision to hold annual meetings, altered the whole outlook upon this question. The Imperial War Cabinet made possible joint discussion and joint decision of all questions relating to war and peace. The acceptance, in the Constitutional Resolution of 1917,

[1] *Ante*, Ch. VI.

[2] Keith: *Imperial Unity*, pp. 364–5 (Nov., 1915). Cf. also Curtis, *op. cit.*

of the principle of equal nationhood within the British Group made perfectly clear the right of the Dominions to direct and separate representation in the Peace Conference.

The Supreme War Council of the Allies was the stepping-stone which led directly from the equal status of the Dominions in the Imperial War Cabinet to their direct representation in the Peace Conference. This Council, which was established in February, 1918, and held monthly meetings at Versailles, consisted of the Prime Ministers of the Allied Powers in the West and one other Minister from each Government.[1] The Empire was represented on this body, not by the British War Cabinet, but by the Imperial War Cabinet, and this fact gave any Dominion Prime Minister a technical right to attend meetings of the Supreme War Council as the colleague of the British Prime Minister. No Dominion Prime Minister appears, however, to have attended in this capacity, although on two occasions—July 4 and December 3, 1918—the Dominion Prime Ministers in a body attended meetings of the Council.[2] It was the Supreme War Council which settled the arrangements for the Peace Conference, and, somewhat altered in form, framed the main lines of the Peace Treaty.

It is impossible to understand the position occupied by the Dominions in the Peace Conference and in the League of Nations, unless we grasp the conditions governing successful international co-operation. The Peace Conference was but one final and tremendous illustration of the fact that a great mass of important and urgent political affairs can only be effectively dealt with by a small executive body composed of Ministers who, subject to Parliament, are entrusted with power to make and to carry out decisions. It was the perception of this fact which led to the formation of the great new war executives—the British War Cabinet and the Supreme War Council. In each there was a more or less rigid limitation of numbers with a view to securing the smallest possible executive body, and in each case membership was restricted to the leading members (or in one or two

[1] *War Cabinet Report* (1917), p. 16.
[2] *War Cabinet Report* (1918), pp. 21 and 11.

cases representatives) of the respective Cabinets—Ministers who because they could count on the support of majorities in their respective Parliaments were practically in a position to act as plenipotentiaries. It is obvious that the possibility of including in a Conference of Governments some representatives from each Cabinet, depends upon the size of the group of states co-operating. A body formed of even one Cabinet Minister from each of the Allies in the West, including the Dominions, would have been ineffective because of its size. In a case like this, the smallest Powers must acquiesce in partial or complete exclusion.[1] The Dominion Prime Ministers showed their appreciation of the realities of the situation by ready acquiescence in their exclusion from the normal meetings of the Supreme War Council, and by their willingness to entrust their interests in this Council to the Prime Minister of the United Kingdom, that is, to the leader of the British Group of States. The British Prime Minister was of course expected, so far as the larger questions of policy were concerned, to follow the general lines previously agreed upon in the Imperial War Cabinet.

These considerations applied with still greater force to the Peace Conference. In the number, urgency, and magnitude of the problems it was called upon to face, the Peace Conference far outdistanced any of the three war executives just mentioned. In the short space of a few months, it was called upon to deal with most of the great outstanding political problems of the world. Bearing these facts in mind, let us turn to the actual developments in the machinery of the Peace Conference.

If we are to pick our way without confusion amongst the maze of Councils which successively figured in the reports of the Peace Conference—Councils of Twenty-five, of Seventy, of Ten, the Big Five, the Big Four, the Big Three—we must make clear at the outset a distinction between two kinds of bodies. On the one hand there was the body which was expected to do the bulk of the work and to frame the general

[1] They may, however, receive representation in a second and all-inclusive body with limited functions, such as the Assembly of the League of Nations.

lines of the treaty. This was, in effect, the executive council of the Conference, and at the beginning was planned by the Supreme War Council as a council of Twenty-five, the five Great Powers (the United States, the British Empire, France, Italy and Japan) having five members each. This body, however, shrank down rapidly into the Council of the Big Four, which consisted of the Prime Ministers of the United Kingdom, France and Italy, and the President of the United States. On the other hand there was the Plenary Conference, a body which registered the decisions of the Council, and gave opportunities for the delivery of formal speeches, and the making of public protests and criticisms. The Plenary Conference consisted of the representatives of each of the thirty-two nations on the victorious side, its total membership being about seventy.

What was to be the position of the Dominions in the Council of Twenty-five and the Plenary Conference? It was not till September, 1919, when the Peace Treaty came before the Dominion Parliaments, that any definite evidence was forthcoming to the general public with regard to the struggle which took place in the first two months after the Armistice, over the question of the status of the Dominions in the Peace Conference. With some exceptions, British statesmen appear to have supported strongly the claims of the Dominions, when once the strength of feeling which lay behind these claims was realised; although their original idea seems to have been that the Empire should enter the Conference as a *unit*, without the separate representation of the Dominions.[1] The main opposition came from the representatives of the Great Powers, who naturally enough found difficulty in realising the vast change which had taken place in the last decade in the nature of the British Empire,[2] As General Smuts put it: "They could not

[1] Canadian *Hansard*, Vol. LIV, pp. 86–94 and 21–3. The change of attitude was due mainly to the pressure brought to bear by Canadian and South African Ministers, though no doubt the storm raised by Mr. Hughes over the failure to consult the Dominions when the Armistice was decided, upon the basis of President Wilson's "fourteen points," helped in this direction.

[2] *Ibid.*, pp. 21 and 88.

" realise the new situation arising, and that the British " Empire, instead of being one central Government, consisted " of a league of free states, free, equal and working together " for the great ideals of human government."[1]

The course of the struggle is revealed clearly in the documents made public in the Canadian House of Commons during the Treaty Debate.[2] On October 29, 1918, Sir Robert Borden cabled on behalf of his Cabinet to Mr. Lloyd George urging the national claims of the Dominions to separate representation, and pointing out that a very difficult, and perhaps dangerous, situation would arise if these claims were ignored. On December 4th, the Canadian Cabinet cabled to Sir Robert Borden—then attending the Imperial War Conference—again very strongly urging that Canada should be represented in the Peace Conference. " . . . In view of " war efforts of Dominion other nations entitled to representa- " tion at Conference should recognise unique character of " British Commonwealth composed of group of free nations " under one sovereign and that provision should be made " for special representation of these nations at Conference, " even though it may be necessary that in any final decision " reached they should speak with one voice. . . . "

On January 2, 1919, Sir Robert replied to the effect that he had spoken " very frankly and firmly as to Canada's attitude " on the question of representation, and had made the following proposal, which had been accepted by the Imperial War Cabinet: " First, Canada and the other " Dominions shall each have the same representation as " Belgium and other small allied nations at the Peace Con- " ference.

" Second, as it is proposed to admit to the Council of " Twenty-five representatives of Belgium and other small " allied nations only when their special interests are under " consideration, I urged that some of the representatives of " British Empire should be drawn from a panel on which " each Dominion Prime Minister shall have a place. . . .

[1] In the South African Parliament: *Cape Times*, September 9, 1919.

[2] Canadian *Hansard*, Vol. LIV, pp. 155–158. The documents are printed in full in *Sessional Paper, No. 41 j.*

"My proposal really gives to Dominions fuller representa-
"tion than that accorded to small allied nations such as
"Belgium." [1]

To this the Canadian Government replied urging that Canada should have at least one representative sitting throughout the Conference. "Canada has had as many "casualties as the United States and probably more actual "deaths.[2] Canadian people would not appreciate five "American delegates throughout the whole Conference and "no Canadian entitled to sit throughout the Conference, nor "would they appreciate several representatives from Great "Britain and Canada none."

In making his proposal Sir Robert acted as spokesman for all the Dominion Prime Ministers. When a few days later the matter came before the Supreme War Council, which framed the procedure of the Preliminary Peace Conference, "strong objection was made to the proposed representation "of the British Dominions"; but after further discussion in the British Empire Delegation, during which the Dominions maintained their firm attitude, the proposal was finally accepted by all parties.[3] By virtue of this acceptance the representation of the Dominions was as follows:

I. In the *Council of Twenty-five*, Dominion representatives, as the members of the British Empire Delegation, had a right to places amongst the five members allotted to the British Empire.

II. In the *Plenary Conference*, the Dominions were entitled to representation in two ways: (*a*) As small nations deemed to be on the same level as Belgium—that is, having the same rights and status—Australia, Canada and South Africa were represented by two delegates each (New Zealand by one). (*b*) In addition to this representation, Dominion Ministers

[1] This claim was made on several occasions in the Canadian Treaty Debate. *Ibid.*, p. 132, etc.

[2] "Canada and Australia made a greater war effort than any other "powers below the rank of first-class . . . Australia alone lost more "than the U.S.A." Smuts, in the Union Parliament, *Cape Times*, September 9th.

[3] *Hansard* (Can.), Vol. LIV., p. 21.

were entitled to appear on the delegation of five allotted to the British Empire in the Plenary Conference.[1]

The whole episode is instructive. It revealed for the first time clearly to the world the strength of national feeling in the Dominions, and the value attached by them to a recognition of their national status, not merely by the United Kingdom, but also by the other states of the world.

The Treaty Debates in the Dominion Parliaments have shown that this status was fought for with great persistence and determination by all the Dominion Prime Ministers, not only as regards the Peace Conference but also as regards the League of Nations and the Labour Convention. But the Dominions showed themselves no less anxious to preserve the existence of the British Empire as a distinct group. The proposal made by Sir Robert Borden on behalf of the Dominions, and adopted only after "earnest discussion"[2] in the Imperial War Cabinet, was, indeed, a serious and a notable attempt to reconcile the two ideals which they had at heart—equal nationhood within the Group, and the growing intimacy of its members. Equal nationhood was expressed unmistakably in the provision for separate Dominion representation. The formal unity of the Empire as a distinct and intimate Group was expressed in the provision for a "British Empire" delegation, upon which the Dominions retained their right to appear, although it was intended to be mainly a delegation representing the United

[1] Rules of Conference as drawn up by Supreme Council and issued to the press on January 15, 1919. The actual wording of the first rule is worth noting because of the way in which reference is made to the Dominions as *Powers*. It ran as follows:

"The Conference summoned with a view to lay down the conditions "of peace . . . shall include the representatives of the Allied or "Associated belligerent Powers.

"The belligerent Powers with general interests (the United States "of America, the British Empire, France, Italy, Japan) shall attend "all sessions and commissions.

"The belligerent Powers with special interests (Belgium, Brazil, the "British Dominions and India, China, Cuba, Greece . . . etc. . . .) "shall attend the sessions at which questions concerning them are "discussed." (Quoted in Canadian *Hansard*, *ibid.*, p. 157.)

[2] Sir Robert Borden, in the Canadian House, *ibid.*, p. 21.

Kingdom and the parts of the Empire without separate representation.[1]

The Part Played by the Dominions in the Conference

The Plenary Conference, with its seventy members representing thirty-two separate nations, was far too unwieldy a body to take any active part in the framing of the Treaty. Its half-dozen or so meetings in the first half of 1919 are chiefly interesting from the point of view of this book because they throw a certain amount of light upon the position of the Dominions. On several occasions the Dominion Prime Ministers showed that they were not willing to treat their representation as merely a passive membership, involving little more than the repetition of "Agreed" to the decisions of the Great Powers, but were prepared, as the representatives of small nations, to take an active part in the discussions. One of the most interesting moments of the whole Conference occurred on January 25th at the second plenary session. This was the occasion upon which the Great Powers announced the constitutions which they had fixed for the various Commissions required by the Conference. The representatives of a number of the small nations protested on the ground that they had not been consulted, and were not given adequate representation on the Commissions. Amongst the first to rise in protest was Sir Robert Borden, the Prime Minister of Canada, who spoke avowedly as a representative of one of the smaller nations.[2]

[1] This refers, of course, to the Plenary Conference. The right was exercised on several occasions, e.g., at the Plenary Session of Jan. 25th, when, according to the official report, Canada and New Zealand each had a Minister in the British Empire delegation of five, in addition to their normal representation as small states, namely, two and one respectively.

[2] Cf. the successful moving of an amendment by Sir Robert Borden, at the Plenary Session of April 11th, to secure the Dominions equal status in the Labour Convention. (Canadian *Hansard, ibid.*, p. 22). Cf. also the protest made, at the session of February 14th, by Mr. Hughes, against the adoption of the mandatory system as the method of disposing of the German Pacific Colonies.

The Council of the five Great Powers, which in its various forms did the active work of the Conference, began, as we have seen, with a membership of twenty-five. As might have been anticipated, this body was at once found to be too big for efficient work, and it does not appear to have met at all. It was replaced by a Council of Ten, which was really the Supreme War Council under a new name, each of the five Great Powers being represented by two members. Even this body was found after trial to be too cumbrous to achieve the rapid decisions for which the world was becoming more and more impatient. Finally, by the elimination of the two diplomatists who represented Japan, and of the Foreign Minister of each of the other four Great Powers, the Council of Ten shrank down into a Council of Four composed of the four outstanding figures—the President of the United States, and the Prime Ministers of England, France and Italy—who as the leaders of their respective Cabinets were finally responsible for the successful issue of peace. This gradual shrinkage in the size of the executive body of the Conference resulted inevitably in the final disappearance of direct Dominion representation as contemplated in the original Council of Twenty-five. It was still possible for a Dominion representative to appear as one of the two British representatives on the Council of Ten, and Sir Robert Borden actually attended on several occasions—a privilege not shared by the representatives of any other small nation. Direct Dominion representation on the Council of Five or of Four was, of course, out of the question ; but on five or six occasions Sir Robert Borden was deputed to state the British case on various issues before these two Councils.[1] Moreover as members of the British Empire Delegation the Dominion Ministers had access to all the papers and memoranda necessary to enable them to keep in the closest touch with the proceedings of the executive body of the Conference, and to watch and check those proceedings in the interest of their respective Dominions.[2]

When we consider the power and influence of the nations

[1] *Speech* in Canadian House, *Hansard*, Vol. LIV, pp. 21–22.
[2] *Ibid.*

which they represented, the part played by the Dominion Ministers at the Peace Conference was a notable one. We have the testimony of Mr. Bonar Law to the effect that when they were present in London " . . . they took in every " respect an equal part in all that concerned the conduct of " the war ; and in Paris in the last few months they have, " as members of the British Empire Delegation, taken a part " as great as that of any member except perhaps the Prime " Minister, in moulding the Treaty of Peace."[1] In order to understand just what this part was, we must realise that the Council of Ten and the later Council of Four formed, as it were, the apex of a pyramid. It was the immense work done on the lower slopes of the pyramid which alone made it possible for the small committee of the Great Powers to frame the treaty. The part played by the Dominion Ministers on these lower slopes was threefold : (*a*) They assisted in the formation by the Imperial War Cabinet of the policy of the British Empire, the execution of which was in the main entrusted to the British Prime Minister. Meetings of the Imperial War Cabinet (or, what was practically its equivalent as regards personnel, the British Empire Delegation) were constantly taking place in Paris in order to ensure that all members of the Group should share in the framing of the group-policy, and that the Dominions and the United Kingdom should as far as possible maintain a united front at the Peace Conference. (*b*) Like the representatives of the other small nations, the Dominion Ministers were called into consultation by the Great Powers whenever matters which specially concerned the Dominions (e.g., the fate of the German Colonies) came up for consideration. (*c*) The Dominion Ministers took a large share in the work of the various Commissions appointed by the Plenary Conference and of the Committees appointed by the Council of Ten. The functions of these bodies were to investigate special

[1] *Speech* at Empire Parliamentary Association, May 16, 1919. In the Canadian Treaty debate it was claimed by Ministers that the Dominion representatives " occupied perhaps a much more important " position than the representatives of any of the smaller Nations or " powers that were there." (*Hansard*, LIV., pp. 88, 132.)

problems and to prepare business for the Council of Ten and its successors.

There were five main International Commissions appointed by the Plenary Conference, and on four of them Dominion Ministers served. These were the International Commissions on *The League of Nations*, on *Reparation*, on *Responsibility for Offences against the Laws of War*, and on the *International Control of Ports, Waterways and Railways*. The Ministers who served on these were, respectively, General Smuts, Mr. Hughes, Mr. Massey, and Mr. Sifton. On the Committees appointed by the Council of Ten to investigate the problems of Greece, Poland, Czecho Slovakia, the Dominions were represented by Sir Robert Borden, General Botha and Sir Joseph Cook, respectively.[1]

It should be remembered that all these bodies were strictly limited in size, on the ground put forward by M. Clemenceau that the more the members the less the work done, and that on each body the Great Powers were restricted to two representatives each, whilst the whole crowd of lesser Powers were only permitted to elect five States from amongst their number to represent them on each body. In these circumstances a Dominion Minister could not expect to appear on one of the Commissions or Committees, except as one of the two representatives allotted to the British Empire.

Signing and Ratification by the Dominions

A fitting conclusion to the developments traced in these pages on the Peace Conference, was the signature of the Peace Treaty on the 28th of June, 1919, by the Dominion

[1] Canadian Ministers and officials also served on a number of other bodies such as the Supreme Economic Council (*Hansard*, p. 21). Dominion representatives were also called in wherever questions specially concerning them arose, either in the bodies mentioned or in bodies, such as the Labour Commission, upon which they had no direct representation.

Ministers on behalf of their respective Dominions,[1] the submission of the Treaty to the Dominion Parliaments for approval, and its ratification by the Crown for the Dominions on the advice and responsibility of the Dominion Governments. It is difficult to overestimate the significance of these acts from the point of view of the Dominions. They constitute as General Smuts has said "one of the most important landmarks in the history of the Empire."[2] Like the separate representation of the Dominions in the Peace Conference, these acts were the subject of earnest consideration. Again the initiative came from the Dominion Prime Ministers under the leadership of Sir Robert Borden; and again the twin principles which guided their action were equality of nationhood and the preservation of the unity of the Group.

The proposals of the Dominions were set out in a Memorandum circulated by Sir Robert Borden to the Imperial War Cabinet on behalf of the Dominion Prime Ministers.[3] It was pointed out that the principle of "equality of nation-"hood," adopted in the Constitutional Resolution of 1917, made essential the abandonment of the old practices whereby the United Kingdom signed and ratified treaties on behalf of the Dominions, and the substitution of a new procedure, whereby the Dominions should stand on precisely the same footing as the United Kingdom or any other nation, as regards the appointment of plenipotentiaries, and the signing and ratification of "all the treaties and conventions resulting

[1] It is worth noting that the *Parliamentary Paper* [Cmd. 151, 1919], issued by the British Government, and containing the Covenant of the League and a commentary thereon, in estimating the number of "Powers" which signed the Covenant, makes no distinction between the signatures of the Dominions and those of other nations. It speaks of "the thirty-two Allied and Associated Powers, signatories of the "Treaty of Peace." (P. 12).

[2] September 8th, in the Union House: "For the first time in history "the British Dominions signed a great international instrument not "only along with the other Ministers of the King, but with the other "Ministers of the Great Powers of the world."

[3] The Memorandum was made public during the Canadian Treaty Debate, *Hansard*, Vol. LIV, pp. 157–8; also in *Sessional Paper* 41 *J*.

"from the Peace Conference." As both Sir Robert Borden and General Smuts strongly emphasised in explaining the Treaty to their respective Parliaments, the British Government no longer possessed any *constitutional right* to take action for the Dominions in such matters, unless, indeed, at the request of a Dominion.

The method adopted to secure equality of nationhood without breaking up the formal unity of the Group is specially noteworthy. It involved the enunciation, more clearly and precisely than had ever yet been attempted, of the principle of the equality of the Dominions with the United Kingdom in relation to the Crown. "The Crown," the Memorandum stated, "is the supreme executive in the United Kingdom "and in all the Dominions, but it acts on the advice of "different ministries within different constitutional units." In accordance with this principle elaborate steps were taken to ensure that in appointing plenipotentiaries to negotiate and to sign the treaty on behalf of each Dominion, and in ratifying the treaty on behalf of the Dominion, *the Crown should act on the advice and responsibility of the Dominion Government, and not, as in the past, on the advice and responsibility of the Government of the United Kingdom.* The great emphasis repeatedly laid upon this point by Sir Robert Borden and by all the other Ministers who spoke in the Canadian Treaty Debate, and by General Smuts in his two great speeches on the Treaty in the Union Assembly, shows the importance attached to it by the Dominion Governments. The course taken by the Canadian Government[1] was to pass a special Order in Council (drafted by Sir Robert Borden) advising the King to issue Letters Patent to the Canadian Ministers named therein appointing them Plenipotentiaries in respect of the Dominion of Canada with Full Power and Authority to conclude "Treaties, Conventions or Agreements "in connection with the said Peace Conference, and to sign "for and in the name of His Majesty the King, in respect of "the Dominion of Canada everything so agreed upon and "concluded . . ." Immediately after, Sir Robert Borden

[1] A similar course was taken by the South African Government, and presumably by the other Dominions.

wrote as follows to Mr. Lloyd George: "A Certified Copy "of the Order in Council will be sent from Ottawa to His "Majesty's Government at London. When it reaches the "Foreign Office some appropriate step should be taken to "link it up with the Full Powers issued by the King to the "Canadian plenipotentiaries and with the papers connected "therewith, in order that it may formally appear in the "records that these Full Powers were issued on the responsi- "bility of the Canadian Government."

That the British Government recognised the significance of this development, and accepted the claim made by the Dominions to equal status, is shown in the following quotation from an official statement issued by Lord Milner on behalf of the British Government:

"The Peace Treaty recently made in Paris was signed "on behalf of the British Empire by Ministers of the self- "governing Dominions as well as by British Ministers. They "were all equally plenipotentiaries of His Majesty the King, "who was the 'High Contracting Party' for the whole "Empire. This procedure illustrates the new constitution "of the Empire, which has been gradually growing up for "many years past. The United Kingdom and the Dominions "are partner nations; not yet indeed of equal power, but "for good and all of equal status. . . ."[1]

A similar procedure was adopted with regard to ratification. A strong protest was made by the Canadian Government against the proposal of the British Government, acting under pressure from Paris, to rush through the ratification of the Treaty before the Dominion Cabinets and Parliaments had had time to consider the Treaty. In company with the other Dominion Governments the Canadian Cabinet refused to accept the suggestion made by Lord Milner that the signature of the Dominion Plenipotentiaries might be taken as equivalent to the tending of advice to ratify, and that the submission of the Treaty to the Dominion Parliaments was hardly necessary. The passing by the Canadian Parliament of a resolution approving the Treaty was followed by the sending of a "most urgent" cable to the Colonial Secretary embodying

[1] Quoted in Canadian *Hansard*, March 11, 1920.

an Order in Council advising the Crown to ratify the Treaty on behalf of Canada.[1]

It is obvious that here we touch at the heart of the problem of Dominion control of Foreign Policy, and of the solution towards which the Dominion Governments are progressing.[2]

VI. THE NEW BASIS OF UNITY

The consummation of the developments traced in this chapter was the international recognition of their independent status, which was accorded to the Dominions by their admission as full members in their own right to the League of

[1] All Canadian documents relating both to the signing and to the ratification (including the Orders in Council advising the issuance of powers to Plenipotentiaries and the ratification of the Treaty by the Crown, the Letters Patent in which powers were issued, and the correspondence between Lord Milner and the Canadian Government) are reprinted in the *Sessional Paper* already referred to (No. 41 j). The Order in Council ran as follows:

"WHEREAS at Versailles, on the twenty-eighth day of June, "nineteen hundred and nineteen, a Treaty of Peace (including a "protocol annexed thereto between the Allied and Associated Powers "and Germany) was concluded and signed on behalf of His Majesty, "for and in respect of the Dominion of Canada, by plenipotentiaries "duly authorised for that purpose by His Majesty on the advice and "recommendation of the Government of the Dominion of Canada.

"AND WHEREAS the Senate and House of Commons of the "Dominion of Canada have by resolution approved of the said Treaty "of Peace;

"AND WHEREAS it is expedient that the said Treaty of Peace "be ratified by His Majesty for and in respect of the Dominion of "Canada;

"Now, therefore, the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased "to order and doth hereby order that His Majesty the King be humbly "moved to approve, accept, confirm and ratify the said Treaty of "Peace, for and in respect of the Dominion of Canada."

The procedure outlined in this section has been carefully followed by the Canadian Government in the case of each of the later treaties (see Canadian *Hansard*, LV, pp. 484–5, etc.).

[2] See below, Ch. IX, Sec. 4, pp. 237 ff.

Nations. As full members the Dominions stand on precisely the same footing as other nations—having the same rights and privileges as they possess in the League, and incurring the same obligations. By virtue of their admission to the League, the Dominions will remain permanently in the full current of international affairs into which they plunged in 1914. In wars, in rumours of wars, in the foreign policy of every state they have henceforth the deepest and most direct concern.

The relation of the British Commonwealth of Nations to the wider League is too important and intricate a subject to be dismissed in the last pages of a chapter, and will receive fuller treatment later. All that remains to be done here is to sum up briefly the constitutional developments traced in this chapter. These developments may be summed up by saying that a complete change has been wrought in the meaning of the term "British Empire" since 1914. In 1914 it signified a central government surrounded by a number of more or less dependent States; in 1919 it signified a new type of political association, namely, a group of autonomous States organised on a basis of complete constitutional equality under a common Crown.

Imperial unity is far more real in 1920 than in 1840. In these eighty years its basis has been completely changed. In 1840 the emphasis was upon legal bonds; in 1920 these bonds have practically disappeared, and in their stead has been substituted a new basis—freedom and constitutional equality. The attempt to safeguard the unity of the Empire by allowing the Dominions to remain dependencies of the Mother Country in the most vital of all fields of political action—that of foreign affairs in the sense of "high politics"—has now been abandoned, and a new and deeper unity is being sought by the adoption of the method of free co-operation. As a necessary corollary to freedom to co-operate, the Dominions have been given freedom to take separate action.

This bold step, taken only after the most careful and deliberate consideration, is regarded by the statesmen who took it as an act of faith greater in degree than, but similar in kind to, all the great acts of faith which have built up the British Commonwealth upon a foundation of granite. The

most memorable of these acts were the granting of Responsible Government to Canada, the encouragement of nationhood in Canada and Australia, the granting of Responsible Government to the newly conquered Transvaal, and finally the decision to grant Responsible Government to India. The core of the faith upon which these actions were based is the belief that freedom is the cement of Imperial Unity. This was the greatest discovery made by British statesmanship in the Nineteenth Century; and of all the great political principles which England has discovered, the world may come to recognise this as the greatest. In conceding to the Dominions, at their own request, the right of separate action in foreign affairs in the League of Nations, England has done so in the belief that the concession of this formal right of disunity is essential as a means of securing a finer and more complete unity. Having satisfied their desire for equality of national status by securing the right to speak with separate voices, the Dominions may be more than ever anxious that when the British Commonwealth of Nations meets the World of States in Council it should speak with, and even perhaps through, one voice.

There are sure to be some who will cry out that this means the end of "Imperial Unity." But every great act of faith worthy of the name in the history of the Empire has brought prophets of doom tumbling out of their holes; and the future may make as little of their fears in this case as it has in most other cases.

CHAPTER VIII

THE PRINCIPLES OF THE SETTLEMENT: FREEDOM AND CO-OPERATION—THE REJECTION OF IMPERIAL FEDERATION

I. THE SPECIAL CONSTITUTIONAL IMPERIAL CONFERENCE

"YOU talk about an Imperial mission. It seems to me "this British Empire has only one mission, and that "is a mission for greater liberty and freedom and "self-development. Yours is the only system that has ever "worked in history where a large number of nations have been "living in unity. Talk about a League of Nations—you "are the only league of nations that has ever existed; and "if the line that I am sketching here is correct you are going "to be an even greater league of nations in the future; and "if you are true to your old traditions of self-government "and freedom, and to this vision of your future and your "mission, who knows that you may not exercise far greater "and more beneficent influence on the history of mankind "than you have ever done before?" (*Speech by General Smuts, May 15th*, 1917.)

"The only possibility of a continuance of the British "Empire is on a basis of absolute out-and-out equal partner-"ship between the United Kingdom and the Dominions. "I say that without any kind of reservation whatsoever. "It is very easy to say that; but undoubtedly the working "out of it in practice without bringing about the severance "of relations between us and the Dominions will be one of "the most complicated tasks which statesmanship has ever "had to face. I am not afraid of it, and yet I have to admit

" that the difficulties are such that our best efforts may end " in failure. I hope not. At any rate, there is no other " way out." (*Speech by Lord Milner, Secretary of State for the Colonies, July 9th,* 1919.)

These quotations—the first taken from a speech of the man who was chiefly responsible for the scotching of the Imperial Federation movement in England during the War, and the second from a speech of a lifelong advocate of Imperial Federation—sum up aptly the new ideas as to the nature and purpose of the British Commonwealth of Nations, and indicate the kind of constitutional reconstruction which the special post-war Imperial Conference, provided for in the Constitutional Resolution of 1917, will be called upon to make. This Conference will meet probably in 1921. If we may judge from the opinions freely expressed in 1917 and in the Dominion Treaty Debates in 1919–20, it is likely to be wider than a mere Conference of Cabinets, being attended not only by Ministers but also by the leaders of the opposition parties.

As indicated in the 1917 Resolution the work of the Special Conference will be threefold. (*a*) It will reconsider the view expressed in that Resolution that the principles upon which the future government of the Empire should be based are : (1) the equal and autonomous nationhood of each self-governing State of the Group, and (2) co-operation by means of continuous consultation followed by " such necessary " concerted action, founded on consultation, as the several " governments may determine." (*b*) Having accepted these principles it will take the necessary measures to free the Dominions from the last remaining marks of the old dependency—thus realising the ideal of complete equality of nationhood. (*c*) It will then plan and construct the machinery of government required by the British Group for effective co-operation in common concerns.

It has not yet been sufficiently realised that in all three directions the work of the Conference is already more than three-quarters done. Having in 1917 stated the principles, indicated the methods, and postponed till after the war the

actual work of Imperial reconstruction, the Governments concerned at once set to work, under the pressure of circumstances and in characteristic British fashion, to hammer out and to apply the principles, to begin the removal of the marks of dependency, and to build up the more important parts of the necessary machinery of co-operation.

In the last three years the problems raised by the 1917 Resolution have been discussed in all parts of the Empire. They have been the subject of numerous speeches by eminent statesmen, especially Sir Robert Borden and General Smuts. What is even more important, they have been the subject of intimate and prolonged private discussions between British and Dominion statesmen during the many months of the last two years in which these statesmen have been thrown together in London and in Paris. It is fairly evident that out of the discussions of the Peace Conference period, a more definite conception, not merely of the basic principles, but also of the general organisation of the British Group in the future, has begun to emerge. This conception is that of the British Empire as a Group of States which constitutionally are absolutely free and equal, and which co-operate by means of continuous consultation followed by concerted group-action taken in the name of the common Crown. Out of this conception sprang the carefully thought-out procedure which was adopted with regard to the appointment of Dominion plenipotentiaries and the signing and ratification of the Peace Treaty by the Dominions. Out of this conception sprang also the successful struggle made by the Dominions for separate and full membership of the League of Nations, and the International Labour Organisation.

The purpose of this chapter is to indicate the principles upon which this conception is based. In the two following chapters an attempt will be made to work out in some detail the methods whereby its two main objects—equality of nationhood and group co-operation—may be secured.

II. THE PRINCIPLES OF THE SETTLEMENT AS INTERPRETED BY GENERAL SMUTS

Like all the great developments of the British constitution, the post-war settlement will be no revolutionary change but an organic development from the past. Important and far-reaching though the decisions of the Constitutional Conference are likely to be, they will be, from the point of view of history, merely a rounding off and a consolidation of the great advances which the British Empire has made, during the three centuries from 1607 to 1920, in its explorations of the great field of international government. The Conference will, in fact, add the finishing touches to the two developments traced in this book—the development of Responsible Government in the Dominions, and the development, in the form of the Imperial Conference and its companion bodies, of organs of international government for the British Group of States.

If the outstanding contributions to the constitutional development of the British Commonwealth in the last three years have been made by Canadian statesmen, the best interpretation of its spirit and tradition, and of the principles upon which its future organisation is to be based, has without a doubt been that given by the present Prime Minister of South Africa, General Smuts. When he came to England early in 1917, as the South African representative on the Imperial War Cabinet, General Smuts found a movement afoot to popularise the idea that the Empire should be organised as a federal super-state. At once he set himself to defeat this movement, not so much by the method of direct attack, as by expounding and popularising a rival conception—that of the Empire as an intimate society of free and equal states. From 1917 to 1919, in a series of speeches and in his book on the League of Nations, he gave a lucid and a noble expression to this ideal.[1] In his view,

[1] *War Time Speeches* (1917). General Smuts has recently stated that his speech in 1917 on "*The British Commonwealth of Nations*" has "been spread more than any other document of the war" (*Cape Times*, August 5, 1919), and it was this speech which gave the finest expression of his ideal.

it was an ideal which was applicable not merely to the smaller problem of international government presented by the British Empire, but also to the general problem as presented in the League of Nations.

The power of thought and the luminous idealism of his speeches and book gave General Smuts a place amongst the great figures of the war period, second only to that of President Wilson. A less phlegmatic people than the English would have shown a livelier interest in the amazing career of this South African soldier-statesman—once their enemy in the cause of freedom and later won to them whole-heartedly by a generous gift of freedom. No one is better fitted than he to interpret British ideas to the world; and no one has shown more courage and insight than he in appealing to the moral sense of the English-speaking peoples, and in judging them worthy of being confronted with nothing less than the highest ideal of service to the world.

Perhaps more than any living statesman General Smuts stands in the tradition of the great founders of the British Commonwealth, Chatham, Burke, Fox and Durham. He might well have spoken the famous phrases in which Burke summed up his creed of Empire: "To speak the plain truth "I have in general no very exalted opinion of the virtue of "paper government. . . . My hold of the Colonies is in the "close affection which grows from common names, from "kindred blood, similar privileges and equal protection. "These are the ties which, though light as air, are as strong "as links of iron." Like these statesmen General Smuts sees the British Commonwealth, not as a fortuitous concourse of states built up mainly by force and by greed, but as a community of nations which has grown and prospered because in the main despite many failings it has satisfied human needs.

But it is in his vision of freedom that he comes nearest to these great predecessors—and to those other potent, though not generally recognised, founders of the British Commonwealth, the leaders of the revolted American Colonies. "It "is but too true," Burke once said, speaking of the state of feeling in England at the time of the American revolt, "that

" the love, and even the very idea of genuine liberty is " extremely rare." More than most men General Smuts has understood " the very idea of genuine liberty." " In my " day and country," he said in his great Guildhall speech on Freedom,[1] " I have seen freedom go under, and I have seen " freedom rise again. And I have seen the same beaten " people rise again to fight for the same freedom, but no longer " for themselves alone, but for the whole world." Not only South Africa, but all the Dominions came, he said, " . . . not " to help the Mother Country but to help the cause of Free- " dom. . . ." To General Smuts the destruction of Prussian militarism—" that military imperialism which has drifted " from the past like a monstrous iceberg into our modern " life "—was but the fighting out in the wider world-sphere of an issue settled long before in the British Empire, the issue between " the old legalistic idea of political sovereignty based " on force," and " the new social idea of constitutional free- " dom based on consent." As he foresaw even in 1917, the future world-government would be based upon this new social idea evolved in the British Empire, rather than upon imperial ideas adopted from the Roman Law. He had a clear vision of the mission of the " British Commonwealth of Nations." " As the Roman ideas guided European civilisation for almost " two thousand years, so the newer ideas embedded in the " British constitutional and Colonial system may, when carried " to their full development, guide the future civilisation for " ages to come."[2]

But freedom was but one of these " newer ideas " evolved in the British Empire. As important as the idea of freedom, was the complementary idea of co-operation. General Smuts recognised that the British Empire had not merely acted as a pioneer in evolving a new method of international government—that of cabinet conference—but that it had also at the same time been building up a new conception of the function of the State in international affairs. As I have already pointed out the State according to this conception is an institution which should have as its object the linking

[1] *War-Time Speeches* (1917), pp. 71–79.
[2] *Ibid.*, pp. vi–vii.

up rather than the sundering of peoples.[1] Instead of merely taking an interest in high politics, or the pathology of international relations, it should exercise a general supervision over the ordinary routine of international relations, and should assist in every possible way the political, social and economic intercourse of its own people with other parts of the human race. In accordance with this conception, General Smuts, like most other Dominion and British statesmen, urged the systematic development of inter-Imperial co-operation, not merely in the matter of defence and high policy, but also as regards trade, communications and the everyday relationships of peoples.

In the view of General Smuts the only feasible method of inter-Imperial co-operation was the method upon which the Empire had placed reliance in the past. The adoption of the method of conference and of concert between autonomous governments had enabled the British Empire to make "the "only successful experiment in international government "that has ever been made."[2] The adoption of Imperial Federation, or of the method of the super-state, would, in his view, threaten this experiment with disaster. The empires of the past had failed because they had been founded upon "the idea of assimilation, of trying to force human material "into one mould." The British Commonwealth of Nations has succeeded because it does not stand for "standardisation or denationalisation, but for the fuller, "richer, and more various life of all the nations comprised "in it."[3] "Here we are," he said, in his speech on the Constitutional Resolution of 1917, "a group of nations spread "over the whole world, speaking different languages, belonging to different races, with entirely different economic "circumstances, and to attempt to run even the common "concerns of that group of nations by means of a Central "Parliament and a Central Executive is, to my mind, absolutely to court disaster."

Anyone who has paid any attention to the subject will have

[1] See above, Ch. VI., §7.
[2] *War-Time Speeches*, p. 13.
[3] *Ibid.*, p. 33.

been forced to the conclusion that opinion in every part of the Empire is almost unanimously in support of the views thus expressed by General Smuts. Almost every Dominion statesman of any importance has expressed in his own words similar ideas—has emphasised the necessity of maintaining in the fullest degree autonomy ; has emphasised the necessity of developing in every possible way Imperial co-operation ; has rejected emphatically any idea of centralised government ; in short, has taken his stand upon the Resolution of 1917, and has insisted, in the words of Sir Robert Borden, that the future structure of the Empire should be erected " on the sure " and firm foundations of freedom and co-operation, autonomy " and unity." [1] Nor is there a shadow of a doubt that in speaking thus these statesmen have been expressing the feeling of the vast majority of the people of the Dominions.

III. REJECTION OF IMPERIAL FEDERATION BY THE FORCES OF NATIONALISM AND LABOUR

Between 1911 and 1917, the cause of Imperial Federation, which in the previous decade had almost fallen out of sight, was revivified by the new faith and energy, and the bold re-thinking of the problem, due to the Round Table school of federalists. But as we have seen the only apparent result of the campaign for Imperial Federation, which in these six years was carried on with extraordinary ability and vigour in each self-governing state of the Group, was to stir up forces which at the Imperial War Conference of 1917 dealt the cause of Imperial Federation a far more decisive blow than the early Colonial Conferences had dealt the similar campaign waged by the Imperial Federation movement in the latter half of the Nineteenth Century. Since 1917, this defeat has been followed by blow after blow at the idea of Imperial Federation ; so that at the present day this idea is further from realisation than at any time in its history.

In order that the decisive nature of this defeat, and the reasons for it, may be understood, it is necessary to make

[1] *Proceedings* (1917), p. 42.

a brief examination of opinion on this question in each part of the Group. In Canada, there has been no evidence of any strong feeling in favour of Imperial Federation—except on the part of small and unrepresentative groups of people in some of the capital cities—and all political parties without exception have either by resolution or through the speeches of their leaders repudiated the idea of an Imperial super-state. On May 18th, 1917, in the Canadian House of Commons, Sir Robert Borden (the Prime Minister) expressed the opinion that Imperial Federation was "neither feasible "nor wise." The idea was again repudiated by the leaders of the Government during the Treaty Debate of September, 1919. Frequent attacks have been made by leaders of the Liberal party in the Canadian House of Commons upon what has been referred to as the "Milner policy of centralisation"; and a resolution condemning Imperial Federation was carried by the Liberal Party Convention in 1919. The new Farmers' Party, which has made such phenomenal progress in the last year or two, passed a similar resolution in 1918. "We "believe," they said, "that the further development of the "British Empire should be sought along the lines of partner-"ship between nations free and equal. . . . Any attempt to "set up an independent authority with power to bind the "Dominions, whether this authority be termed parliament, "council, or cabinet, would hamper the growth of responsible "and informed democracy in the Dominions."[1] The Independent Labour Party which is just beginning to raise its head in Canada adopts the same attitude. Opposition to the idea of organic centralised union has also been freely expressed by practically the whole of the Canadian Press.[2]

Similarly, in Australia, opinion in all parts of the country and amongst all sections of the people (again with the exception of a few individuals, Round Table representatives and others, in the larger cities) stands even more solidly against Imperial Federation than it stood in 1890, when Sir Charles

[1] See the *Farmers' Platform*, as adopted by the Canadian Council of Agriculture on November 29, 1918.

[2] For an interesting summary of Canadian opinion on this question, see J. W. Dafoe (Editor of the *Winnipeg Free Press*), in *The New Era in Canada* (1917).

Dilke made his survey of opinion.[1] As in Canada, the leaders of all political parties have rejected the idea of Imperial Federation.[2] The strongest opposition of all has come from the Australian Labour Party, which in 1918 added a new plank to its platform : " Complete Australian self-government as " in the British community ; no Imperial Federation."[3] In 1917, the Australian Workers' Union, by far the largest trade union in Australia, passed the following resolution :

" That, in view of the possibility of Australia being dragged " into a scheme of Imperial Federation, which would abrogate " our rights and privileges under responsible government, " and seriously undermine that palladium of our liberties— " the Commonwealth Constitution—this Convention of the " Australian Workers' Union places on record its stoutest " opposition to this Dominion of the Empire being governed " by the plutocrats of England, which the proposed scheme " would involve."[4]

The Australian newspapers generally, and especially the Labour papers, have almost unanimously expressed their opposition to the idea of Imperial Federation.[5] The same is true, though to a less extent, of New Zealand, and to an even greater extent of South Africa. In the latter Dominion General Smuts, who, as we have seen, played a leading part in defeating the campaign for Imperial Federation in the early years of the War, has been outdone in his opposition to the idea by the Nationalists.

[1] *Problems of Greater Britain.* See above, pp. 88-9.

[2] " Here I should like to state quite definitely and precisely that I " am irrevocably opposed to what is called Imperial Federation." Statement by Mr. W. M. Hughes in an interview before leaving England. (*Manchester Guardian*, Weekly Edition, November 7, 1919.)

[3] *Australian Worker*, June 27, 1918.

[4] *Ibid.*, February 8, 1917.

[5] *Round Table*, September, 1916. Cf. June, 1917. It is important to notice that while the articles from the Dominions in the Round Table have recorded a very large number of expressions of opinion from all sections of the people in each of the Dominions against Imperial Federation, they have been able to record scarcely a single expression of opinion in favour of this idea.

For an interesting expression of Labour views see a series of letters in the *Australian Worker*, February, 1917.

Opinion in England is more difficult to estimate. All that can be said is that most of the leaders of the two older political parties have publicly expressed their assent—some without any great enthusiasm, a few with obvious reluctance —to the ideas expounded by General Smuts and other Dominion Statesmen. A certain amount of opposition (in private rather than in public) has come from members of the Conservative Party in both Houses. The Labour Party has stated definitely and emphatically its belief in " freedom " and co-operation," and its rejection of Imperial Federation. In expressing these views the Labour Party has arranged itself beside the Radical and Labour parties of Canada and Australia, and of the other Dominions, and its statement of policy is of sufficient importance as an expression of Labour opinion throughout the Empire to be worth quoting in full :

" With regard to that great Commonwealth of all races, " all colours, all religions and all degrees of civilisation, that " we call the British Empire, the Labour Party stands for " its maintenance and its progressive development on the " lines of Local Autonomy and ' Home Rule All Round ' ; " the fullest respect for the rights of each people, whatsoever " its colour, to all the Democratic Self-Government of which " it is capable, and to the proceeds of its own toil upon the " resources of its own territorial home ; and the closest " possible co-operation among all the various members of " what has become essentially not an Empire in the old sense, " but a Britannic Alliance. We desire to maintain the most " intimate relations with the Labour Parties overseas. Like " them, we have no sympathy with the projects of ' Imperial " ' Federation ' in so far as these imply the subjection to a " common Imperial Legislature wielding coercive power " (including dangerous facilities for coercive Imperial " taxation and for enforced military service), either of " the existing Self-Governing Dominions, whose autonomy " would be thereby invaded ; or of the United Kingdom, " whose freedom of Democratic Self-development would be " thereby hampered ; or of India and the Colonial Depen- " dencies, which would thereby run the risk of being further " exploited for the benefit of a ' White Empire.' We do not

" intend, by any such 'Imperial Senate,' either to bring the " plutocracy of Canada and South Africa to the aid of the " British aristocracy, or to enable the landlords and financiers " of the Mother Country to unite in controlling the growing " Popular Democracies overseas. The absolute autonomy " of each self-governing part of the Empire must be main- " tained intact. What we look for, besides a constant progress " in Democratic Self-Government of every part of the " Britannic Alliance, and especially in India, is a continuous " participation of the Ministers of the Dominions, of India, " and eventually of other Dependencies (perhaps by means " of their own Ministers specially resident in London for this " purpose) in the most confidential deliberations of the " Cabinet, so far as Foreign Policy and Imperial Affairs are " concerned ; and an annual assembly of an Imperial Council, " representing all constituents of the Britannic Alliance and " all parties in their Local Legislatures, which should discuss " all matters of common interest, but only in order to make " recommendations for the simultaneous consideration of " the various autonomous local legislatures of what should " increasingly take the constitutional form of an Alliance " of Free Nations."[1]

Even this very summary analysis of opinion in the Dominions and the United Kingdom is sufficient to indicate that there are two main converging forces which support strongly the ideal of free co-operation and oppose the ideal of a federal super-state. These two forces may be called roughly Nationalism and Labour. Both agree in their opposition to an Imperial super-state just as both tend to agree in their dislike of the modern tendency towards the large State, whether multi-national or homogeneous ; and the reasons for their dislike are at bottom closely related.

In view of the disparity between the population of the United Kingdom and of the Dominions (even if we add together the populations of all the Dominions including the native population of South Africa they amount to less than half the population of the United Kingdom) it is obvious that there is some reason for the fear expressed in the

[1] *Labour and the New Social Order* (1918).

Dominions that in any Imperial Parliament that could be devised they would be in a hopeless minority; so that in return for a surrender of existing powers of self-government they would receive merely a nominal and illusory control over the foreign policy of the Empire. The words of an American Professor, who is recognised as one of the greatest authorities on the British Constitution, and who may be regarded as an impartial observer, are worth quoting: "They "(the Dominions) would be free to express their views, and to "persuade the English Ministers, if they were able, but when "it came to a vote would always be overborne. The self-"governing colonies in such a case would be obliged to con-"tribute to Imperial expenses without any effective share "in directing Imperial policy."[1] Beside these measured academic phrases may be put the more violent and picturesque language of an Australian Labour newspaper: "Imperial "Federation," it asserts, "would destroy the possibility of "Australia ever being a nation; it would make it a joint "in the tail of an Imperial monster, with no genuine control "over its own destiny but dragged in the rear of a bloated "Empire that had its extremities trailing across the Pacific "and its heart twelve thousand miles away."[2]

With many advocates of Imperial Federation, objections such as these carry but little weight. Some of them still live in the days before the Dominions became nations, and regard Imperial Federation as merely the restoration to the "Oversea British" of the "full rights of British citizenship" which the "Home British" have retained merely because they stopped at home. These rights are those of being represented in, and taxed by, an Imperial Parliament, which will have retraced the unwise step of granting Responsible Government, whereby it "... divested itself of some of "the powers necessary for the proper performance of its "Imperial duties."[3] Such advocates of Imperial Federation are devotees of a mathematical theory of democracy which tends to make a false simplification of the whole

[1] Lowell: *Government of England*, Vol. II, p. 436 (1914 Ed.).
[2] *The Australian Worker*, April 25, 1918.
[3] Worsfold: *Empire on the Anvil* (1916), pp. 6 ff.

problem by ignoring the tremendous diversity of the Empire, and by leaving out of consideration sentimental and human factors, such as national feeling, or the narrow range of human sympathy possessed by the average man. The case for Imperial Federation depends upon an enormous assumption which federalists cheerfully make. Where the ordinary man sees Australians and Canadians, Englishmen, Hindoos and Hottentots, rich and poor, educated and ignorant, many advocates of Imperial Federation see merely voters. Since these voters are also human beings they are liable to have some differences of opinion, at times expressed with a certain regrettable violence of language; but they are assumed to possess the wide range of knowledge and the universal sympathy necessary for the foundation of a federal superstate, which is to cover a quarter of the human race, scattered in the five continents of the world, including an extraordinary medley of peoples of all colours and levels of civilisation, with an infinite diversity of creeds and customs.

The unanimity with which the self-governing peoples of the Empire have opposed every project of Imperial Federation so far brought forward, shows that they have not been slow to realise the quicksands upon which this argument is built. The peoples of Canada and Australia regard themselves as nations, and they have consistently refused to be treated as merely groups of voters, numbering nine millions and five millions respectively. In company with the other Dominions, they have opposed Imperial Federation, because they fear that it would result in the subjection of their small national minorities to the will of a majority in the United Kingdom—perhaps reinforced by small sections from each of the Dominions—who would be sufficiently out of touch and sympathy with these national minorities, and whose interests would be sufficiently different from theirs to make the tyranny of the majority a serious possibility. They recognise that even the most scrupulous observance of the forms of democracy cannot preserve a minority, especially if it is a geographically distinct minority, from the tyranny of the majority, if the latter is out of intimate touch with the former, and if the interests of the two differ to any large

degree. One may take as an example the relations between England and Ireland in the last hundred years; and there are enough Irishmen in the Dominions to drive this point.

Labour Objections to Imperial Federation

The core of the Labour objection to Imperial Federation is summed up in a sentence contained in the passage already quoted from the British Labour Party programme. "We "do not intend," they said, "by any such 'Imperial Senate' "either to bring the plutocracy of Canada and South Africa "to the aid of the British aristocracy, or to enable the land- "lords and the financiers of the Mother Country to unite in "controlling the growing Popular Democracies overseas." Since this sentence sums up roughly the chief objection to Imperial Federation put forward by all the Labour Parties of the Empire, the grounds of the objection are worth a brief investigation. In reply to the argument naturally brought forward by federalists that the Democracies of the Empire would have at least as much chance, as the capitalists and landlords, of coming to each others' aid, Labour objects that the increase in the power of the governing and possessing classes throughout the Empire caused by its transformation from "an Alliance of Free Nations" into a federal super-state would, under existing conditions, far outweigh any increase in the power of Labour. These conditions are: (1) the enormous size and complexity of such a super-state, and the fact that its constituent parts would be separated by immense ocean-distances: (2) the grossly uneven distribution of wealth, and the comparative ignorance of the masses of the people in all modern communities.[1]

[1] The recent Wealth Census in Australia has revealed the fact that even here, where one would perhaps least expect it, there is an extraordinary disproportionate division of wealth. The census showed that 87.37 per cent. of the private wealth was in the hands of 17.3 per cent. of the people, the remaining 82.6 of the people possessing only 12.62 of the private wealth.

The dislike of Labour to the large and complex state of modern times (a dislike which finds a good deal of support amongst modern writers on political science) springs from the idea that such states tend to endanger the growth of democracy. The feeling is growing, that without a network of strong voluntary associations, or groups, to perform functions which the state cannot safely be entrusted to perform, to safeguard the interests of the individual, and to stand between him and the overwhelming power of the state, any true democracy or liberty is impossible. Experience seems to show that the larger and more complex, and the less homogeneous, the state is, the more difficult it becomes to organise such groups where they are most needed, that is, amongst the lower economic levels of society. Moreover it has for many years been recognised that the comparative ignorance and disorganisation of the masses of the people in all large modern states, even where the outward forms of political democracy have been developed to their uttermost, offer unique opportunities to those who have the means and the skill—who possess money power and who control the press—to manipulate parliaments and electorates in the interests of a small class or section of the people. The larger the unit, the greater the power put into the hands of those to whom size of country and immensity of population is a positive advantage because of their superior power over the means of transport and communication.

If the British Group of States were transformed into a superstate, Labour feels that these difficulties would without doubt be greatly intensified. Such an Imperial Federation would necessitate electioneering on a gigantic scale ; it would require an organisation of political parties extending into all the continents of the world. The effective organisation of these parties, and the successful conduct of elections by them would necessitate the use on an enormous scale of the latest methods of transport and communication. Now these methods are immensely costly, so much so that they are almost completely out of the reach of the poorest sections of the community. We speak glibly of modern science as having annihilated distance, but it would be much more accurate

to say that distance is annihilated only for those who can afford to use the costly modern methods of annihilation. Whilst the wealthy classes in each part of the Empire can move freely from one country to another, can communicate with each other with the utmost ease by the use of the cable and of wireless telegraphy, and through the great newspapers which they own or control, the poorer classes, on the other hand, cannot afford to use extensively any of these means. For the working classes in the Dominions and in England, the sea is still practically the same "unplumb'd, salt, estrang-"ing sea," which it was half a century ago. At most they can come into dim and uncertain contact with each other by means of the slow travelling letter, or through newspapers owned, controlled and written by those whose economic interests are felt to be antagonistic to theirs, and who fail to see eye to eye with them on many important political and social questions. There is no need for Labour to depend upon its own newspapers for the confirmation of this assertion; it is fully admitted by all fair-minded "capitalist" newspapers. The news services of the Empire, the *Manchester Guardian* has recently stated, are "inadequate in quantity" and "partial in quality." "Cables," it admits, "are expensive, "very expensive, and that section of society which has "command of money, and that portion of the press which "can spend money most freely, tends as things are to acquire "peculiar prominence in the circulation and distribution of "news between the members of the Empire."[1]

For these reasons it cannot be denied that there is a good deal of ground for the fear expressed by Labour parties, and such Labour papers as exist in various parts of the Empire, that Imperial Federation would tend to play into the hands of the possessing and governing classes in each part of the super-state. Because of their superior organisation, because of their control over the great organs of public opinions, such as the press and the newspapers, because of their control over transport and communications, and because of their superior

[1] August 24, 1918. Cf. the plea made by the Dominions Royal Commission (*Final Report*, 1917) for the nationalisation of the cable services.

power to take the fullest advantage of the costly modern methods of annihilating space and time—it is felt that these classes would gain an entirely disproportionate control over the organs of the super-state, and would be in a position to use these organs to strengthen and to develop their own interests throughout its area.

The way in which many advocates speak of this project affords a good deal of justification for the distrust with which it is regarded by Labour. As Labour views the matter, the advocates of Imperial Federation have not been usually distinguished, to say the least of it, for their zeal as social reformers, or for their sympathy with the aims and aspirations of Labour. Most of its advocates have been members of the English governing class who, in their progress from public school to Oxford and finally to London, have not come in any large measure into contact with the masses of the people, and who have found little time to spare from their absorption in politics, mostly " high " politics, to acquire a real knowledge and understanding of economic and social questions, or of the attitude taken on these questions, as well as upon political questions, by organised Labour. To many such Imperialists, the working classes of the Empire are far away shadowy things which do not seem to matter much politically, because they do not figure much in *The Times* and the *Morning Post* (except, of course, when they strike) and are not to be found on the membership lists or at the meetings of the Royal Colonial Institute, the British Empire League, the Overseas Club and Patriotic League, and other similar institutions.

An excellent example of the way in which such persons tend often to regard the question of Imperial Federation may be seen in a recent book on this subject by Mr. Basil Worsfold, a well known writer on Imperial questions. He is not in any way troubled by the objection that young and busy communities such as the Dominions may have a difficulty in finding " the requisite number of members able and willing to serve " in the Central Parliament of the Empire, and capable of " bearing the strain of its long and frequent journeys." There will be at hand, he discovers, a good supply of suitable representatives. . . . " As it is, an appreciable number of Over-

"sea British are resident, for longer or shorter periods, in "the Metropolis of the Empire; while a much larger number "make the practice of visiting England at intervals for the "purposes of business or pleasure. Australia, for example, "is represented by the High Commissioner for the Common-"wealth, and six Agents General for the six states—all "officials appointed for a term of years. The principal "banks and industrial undertakings of the Dominions, India, "Egypt, the Crown Colonies and Protectorates, have "offices and representatives in London. Judges from the "Dominions sit on the Judicial Committee of the Privy "Council and members of the Indian and Canadian Bar "come to London to plead before it. The great Oversea "Journals have their London offices and representatives. "Among the Oversea British who come to London now for "such purposes there would be many who could combine "professional work, or business affairs, with legislative duties; "while some Oversea members of the more leisured class "would find it convenient to make England their principal "place of residence for a few years, because of the "opportunities it afforded for the education of their "children." [1] This delightful picture of an Imperial Parliament composed of the Empire's officials, financiers, industrial magnates, judges, lawyers, newspaper proprietors and idle rich, may be recommended to those who might perhaps otherwise be inclined to dismiss as wholly ungrounded the fear expressed by an Australian Labour paper that Imperial Federation might involve the presence in London of "a "toadying top-hatted delegation bartering away the birth-"right of our children." [2]

Super-state Sovereignty and Human Freedom.

A consideration of the kind of super-state which many advocates of Imperial Federation conceive, and of the pur-

[1] *The Empire on the Anvil* (1916), pp. 97–8.
[2] *The Australian Worker*, June 26, 1918.

poses for which they desire its creation, reveals other reasons for the opposition of Labour and of Nationalism to this project. "A leading tendency in political theory before the "War," writes a member of the Round Table School, "was "to deny the identity of State and Community and to assert "the comparable authority of other embodiments of the social "will such as the Trade Union and the Church." [1] Against this tendency the writers of this school have set themselves sternly, and have sought to revive the drooping theory of State sovereignty. In their eyes the dominant interest of man is the political, and loyalty to the State includes and transcends all other loyalties, whether to Trade Union, or to Church or to Conscience. The uncompromising way in which this doctrine of State sovereignty is held may be seen from the following passage, which is merely one of many similar passages in the writings of members of the Round Table Group. A State, it is asserted, differs from all other forms of association in that "it puts no limit to the duty which it may "exact from each of its members. . . . A Commonwealth "no less than an autocracy is, in the last analysis, despotic "in its claims. It cannot undertake to ask men whether "they choose to enter or leave its service, to keep or lose their "wealth, their homes, their wives, or their children, to live "or to die." [2] As Mr. J. A. Hobson has remarked, this is language akin to that used by Prussian theorists. "Such dedication of the individual to the state," he says, "is not in the lineage of British freedom." [3] When it is remembered that in practice "the will of the State" means often little more than the will of the small body of people who comprise the Government, or their interpretation of the will of the dominant party or class to which they belong, or at best their interpretation of the will of the majority of the people, it is not difficult to understand why Labour throughout the Empire and the smaller nations of the Empire oppose the creation of a super-state which would be "in the last analysis despotic "in its claims."

[1] The *Round Table*, December, 1918.
[2] The *Commonwealth of Nations*, by Lionel Curtis (1916), pp. 37-78.
[3] The *Manchester Guardian*, September 11, 1916.

This opposition is strengthened by reason of the fact that the purpose of Imperial Federation, as conceived by most of its advocates, is mainly defence and high policy. In the most recent and authoritative exposition of Imperial Federation, defence and high policy are considered in almost complete abstraction from the fabric of everyday international relationships; and it is proposed to establish a super-state whose sole concern will be defence and foreign policy, and the finance necessary for the exercise of these functions. What such an Imperial Federation means to its advocates may be judged from the following passage in a speech delivered by Lord Milner before the Empire Parliamentary Association in July 1916. "... The British Empire, as I see it, is potentially "the most powerful State in the world. Its resources, "material and moral, *if properly organised*, are enormously "greater than those of Germany. But neither in war nor in "diplomacy is it able to make its weight felt as it ought to "be. ..." Against this passage, and the ideas set out by Mr. Lionel Curtis in *The Problem of the Commonwealth*, with which Lord Milner's speech was mainly concerned, may be set the following passage from a review of this book by Mr. Delisle Burns in the *Hibbert Journal*, in 1916. The book, Mr. Delisle Burns discovers, is concerned with nothing more than efficiency of administration; and he can find in it no answer to the question put by the common man: "What effect will "the new plan have on man's life?" "For effective govern- "ment is good," Mr. Burns comments, "but not the only "good: and the price we have to pay for it may be too high. "... Although the author of the *Problem* may have con- "ceived other purposes for the change he desires, he names "none but such ideals as will attract administrators. In "the complete absence of political humanism, the considera- "tion of human needs and human suffering, one begins to "feel that it would be better to be a man in Ecuador than "an unconsidered trifle in such a Sovereign State as the "*Problem* suggests. For why is this all to be done? Not "that labour should be free or poverty diminished or justice "made more adequate or the liberty of each man to follow "his own vocation more safe, but that the poor instruments

" of an absolute government may completely acquiesce in " the pursuit of the most primitive ambitions we have " inherited."

In view of this conception of Imperial Federation as set out in the writings of federalists, it is not to be wondered that a common objection brought against this project is that it would be incompatible with the existence of the League of Nations; in fact, Imperial Federation has frequently been advocated as a substitute for the League. If, it is argued, we could build up an Imperial super-State which—perhaps in alliance with the United States—would be powerful enough to impose peace upon the world, then the necessity for a League of Nations would practically disappear. It is difficult to believe, however, that a super-state of this character, created in this mood, would not perpetuate international rivalry, and would not mark the beginning of a new and more terrible era of competition in armaments. It would be more likely to alienate than to conciliate the United States. On the other hand, there is good reason to believe that the maintenance by the British Commonwealth of its present form as a group of free " allied " states will afford a much greater chance of bringing about that closer co-operation between the English speaking races which every one desires. Whereas Imperial Federation would tend to make a clean cut between Canada and the United States, under the existing constitution of the Empire as a free group Canada will tend rather to act as a link between that group and the United States. And it is not too much to hope that along these lines the British Group of States may tend to develop into an inner grouping in the League of Nations composed of all the English-speaking peoples.[1]

The Problem of the Division of Powers in an Imperial Federation

Certain other reasons for the general opposition to Imperial Federation must be mentioned. They are based upon a

[1] See Ch. XI, and especially pp. 370–1.

consideration of the difficulties which arise out of the nature of federalism, and are therefore more readily appreciated in the Dominions than in the United Kingdom where there has been no intimate and first-hand experience of the working of the federal system of government. The essence of federalism lies in the division of the functions of government between central and local legislatures and governments. This division is at its best the cutting up of a living and growing organism into more or less artificial parts. A division of a kind is, of course, present in a minor degree even in a unicellular state like the United Kingdom, where government on its administrative side is divided up into parts, either according to the nature of the function or to the class of persons affected, the separate parts being assigned to separate Government Departments. Hence arises the disease known as Departmentalism, that is, the failure to secure the constant modification in the functions assigned to each Department, and the constant interplay between the Departments, which are required to adapt the machinery of government to the changes and the developments continually taking place in society.

In a federation the danger of rigidity is greatly intensified. Not only does a federation run the risk of getting more than a double dose of Departmentalism, but it has to face also the difficulties arising from a division of the functions of government between a central and a number of local governments. The more rigidly defined the powers either of the central or of the local governments are, the greater is the likelihood that the social organism will be rent, or stunted in its growth, through the failure of the governments to adjust themselves to its rapidly changing needs. For example, in the United States, the most rigid of all federations, the greatest difficulty was experienced in adjusting the needs of the federation to the new conditions caused by the War. The Federal Government found the utmost difficulty in getting even a fraction of the control over trade and industry for war purposes which was found necessary in other European countries.[1] The realisation of the danger of rigidity arising

[1] Cf. Article in *Round Table*, June, 1918.

out of any attempt to make a hard and fast definition of powers, has led to the general tendency in the later federations formed by the English-speaking peoples towards elasticity, a tendency which culminated in the constitution of the Union of South Africa in 1909.

When the project of Imperial Federation is examined from this point of view, it is difficult to escape the conclusion that, in existing circumstances, this project must inevitably break down over the question of the division of powers and the difficulties arising therefrom. If we are to realise the full significance of this proposal to add to the dualism of existing federations a third great division of powers, we must examine it from the point of view of the individual. When we speak of the division of powers we sometimes forget that for each individual government is a unity. Each individual person is interested in such questions as land, education, tariffs, immigration, defence and foreign affairs. In a federation, these questions are divided up between the federal and the provincial governments and between a dozen or so departments in each. Inter-departmental disputes, and conflicts between federal and provincial governments, impinge upon and are fought out over the body of each individual person, and it is he who suffers in the end from the failure of the machinery of government to adapt itself to the changing needs of society. How is this individual likely to fare when, as a result of the creation of an Imperial Federal superstate, a new triple division of powers is made, and these powers are distributed amongst new Imperial departments of government, which attempt to govern him from Whitehall, distant perhaps many thousands of miles from him. Three quarters of a century ago a New Zealand pioneer made a famous answer to a question not altogether unlike this, and the answer is perhaps worth recalling: "I would rather be "governed by Nero on the spot than by a committee of "archangels in Downing Street."

In order to answer this question, we must study briefly the question of the division of powers in an Imperial Federation. Anyone who realises the jealousy with which the Dominions regard any interference with their powers of self-

government, will almost inevitably be driven to the conclusion that, if by chance they could be induced to surrender any of these powers to a federal super-state, they would insist upon the most rigid limitation of the powers of the super-state, as a safeguard against the possible danger of further encroachment upon the powers retained by them. It must be remembered that not even the fact of kinship and of community of interests could induce the peoples of the six Australian 'States' to forego a fairly rigid definition of the powers of the federation which they created in 1901.

But it is obvious that, if an Imperial Federal Government is to function successfully, it must be given power—or must be able to obtain power easily—to move freely over a very wide field of government and to adapt itself rapidly to the continually changing needs of the peoples which it represents. It was the recognition of this fact which led Joseph Chamberlain and many other federalists to advocate Imperial Federation on a very broad basis, and to suggest that the Imperial Federal Government should be given wide powers, not only with regard to defence, foreign affairs and finance, but also with regard to such matters as trade and commerce, communications, migration, and so forth.[1] Lord Milner, in his speech at the Empire Parliamentary Association in 1916, made a strong plea for the retention of the existing sovereignty of the Imperial Parlaiment, and for making the federal constitution as elastic as possible. "Once," he said, "the Imperial Parliament is made representative of all "the self-governing parts of the Empire, there is no object— "indeed, there would be great inconvenience—in tying its "hands. It would be much better to leave it to deal "gradually with many important matters which might well "be deliberately postponed, as well as with others "which would almost certainly be overlooked in the "first stage of constitutional reconstruction." From the point of view of a really workable scheme of Imperial Federation, these proposals were perfectly justified; but to anyone who has studied the feelings of the Dominions, or

[1] Cf. the schemes proposed by Worsfold, *op. cit.*, and Z. A. Lash, *Defence and Foreign Affairs* (Canada), 1917.

of Labour throughout the Empire, this is merely another way of saying that, under existing circumstances, Imperial Federation is not, and has never been, anywhere near the realm of practical politics.

The members of the Round Table School were wise enough to recognise that the only possible way to secure a hearing for any plan for Imperial Federation was to work out a scheme giving the Imperial Federal Parliament a bare minimum of rigidly defined powers,[1] and providing that these powers could not be extended at the expense of the autonomy of the states forming the federation, except with the deliberate consent of the peoples of those states. But in their search for a minimum scheme, the Round Table Group plunged themselves into a hopeless impasse. They proposed that the powers of the Imperial Federal Parliament should be limited to defence and foreign affairs, and the finance necessary for the execution of these functions. The danger of considering questions of high policy apart from the ordinary stuff of international relations out of which they arise, has already been pointed out. Treaties, and foreign relations generally, are to a large extent concerned with economic and commercial interests. It is futile to expect that, if in an Imperial Federation the members of the Federation pursued divergent policies with regard to such questions as trade and immigration, the Imperial Federal Parliament would be able to reconcile the divergent issues of high policy arising therefrom in a common foreign policy. The same argument applies with even greater force to defence. The whole

[1] It is pointed out in an appendix to the *Problem of the Commonwealth*, that the question whether the written Constitution of the Imperial super-state remains elastic (i.e., alterable merely by an Act of the Imperial Federal Parliament), or is made rigid (e.g., alterable only by a referendum which must be carried by all, or a very large majority, of the peoples concerned, and perhaps also by the Parliament of each state of the Group) lies entirely within the competence of those who frame this Constitution. But there is not the least doubt that the Dominions would refuse to enter into the Federation unless their autonomy were safeguarded by making the Constitution rigid. The sovereignty of the Imperial Parliament would then disappear, being transferred to the people of the Empire—as is in fact suggested in the *Round Table* (September, 1916, p. 700).

experience of the War has shown that defence is not a simple but a most complex function, which depends for its effective exercise upon a most intimate relation being maintained with other departments of national life. Defence is merely the head of a spear, of which the haft is munitions (drawn from all the great industries of a country) food supplies, railways, shipping, and a dozen other vital functions. The proposals of the Round Table Group, if carried out, would have made a fatal cleavage between the spear head and the haft. It is hard to escape the conclusion that the Imperial Federal Government whose powers were confined to defence and foreign policy would be forced in a crisis to choose between two alternatives—either extreme weakness, and even paralysis, or a disregard of the constitutional limitation of its powers and a wholesale encroachment upon the self-governing powers of each state in the Group, and especially upon the autonomy of the United Kingdom. The Dominions have sufficient experience of federalism to know that in most federations there is a constant tendency for the central body to increase its powers at the expense of the local bodies; and they would be quick to realise that a body limited as the Round Table have proposed would constantly be discovering that its powers were insufficient for effective working and for the maintenance of its stability, and would exercise a constant pressure to increase these powers at the expense of the autonomy of each nation of the Group.

The reply of the *Round Table* to this argument would be that the Imperial Federal Government could rely upon the hearty co-operation of the national governments to supply any deficiency in its powers, and to bring the functions of defence and high policy into the same vital and intimate relationship with the other functions as exists at the present day, when the whole body of these functions is wholly or mainly under the control of single governments. It is curious to find this trustful reliance, in respect of such vital matters, upon the method of co-operation, when one remembers that the whole energies of the Round Table have been concentrated upon demonstrating the failure of this method with regard to questions of foreign policy. But there is every

likelihood that when the Imperial Federal Government came to test the virtue of this spirit of co-operation, it would find that the old freedom and spontaneity had largely evaporated, through the creation of the new super-federal government. It has frequently been observed that the tendency of federalism is to substitute a spirit of legalism for the spirit of co-operation, close attention to the strict letter of the bond rather than to its spirit, an insistence upon rights rather than upon duties. The subtle influence of this spirit of legalism may in fact be traced in the *Problem of the Commonwealth* itself. Mr. Lionel Curtis, being anxious to induce the Dominions to delegate to an Imperial Federal Parliament unlimited control over certain vital functions of government, finds himself forced to emphasise, as a means of securing their acquiescence in this matter, " their exclusive " competence," " their absolute, unfettered, and complete " authority as regards all the powers of government lying outside this narrow and rigidly defined list of delegated functions ;[1] how the use of such phrases tends to obscure the real nature of the relationship has already been emphasised.[2] The final argument against Imperial Federation, under existing circumstances, is, therefore, that while federalism must in practice be strictly limited, co-operation may be unlimited.

The Future of the Federal Idea

For these and other reasons there is good ground for believing that the negation of Imperial Federation in the Constitutional Resolution of 1917 was fully justified, because in the words of General Smuts " the circumstances of the " Empire entirely preclude the Federal solution." So far as one can see, in the present stage of human development there is much to be said for the argument used by General Smuts that the experiment of federalism has already " reached

[1] *The Problem of the Commonwealth*, Ch. IX.
[2] Above Ch. VI, § 6.

"its utmost limits,"[1] and that there is a point at which in practice the combination of centralisation with local autonomy must break down, that at this point we enter upon the field of co-operation based upon units more or less autonomous and of a workable size.

For the present, therefore, the ideal of Imperial Federation has overwhelming forces arrayed against it, and is further from practical politics than at any time in its history. The victory lies with the ideal of an intimate group of free and autonomous peoples. Whether this ideal will stand the test of further experience is a matter for the future to decide. The problem of international Government has been too little explored to make it safe for us to dogmatise. All that we can say is that the political, economic, and social factors, upon which the present opposition to the ideal of Imperial Federation is based, are changing. Here we may well recall Burke's "great notion of political method."[2] "Circumstances," he said, "give, in reality, to every political principle its distinguishing colour and discriminating effect. The circumstances are what render every civil and political scheme beneficial or obnoxious to mankind." The circumstances of the Empire are changing. We are groping slowly towards political and economic democracy—towards a new State, towards a new economic and social system, and above all towards a new human nature with a far wider range of human sympathy. When the foundations of this new society are more firmly laid, and when the populations of the Dominions more nearly balance that of the United Kingdom, the peoples of the British Commonwealth are likely to discover that, in order to achieve their common purposes more effectively, they require to establish a supernational authority. Then the dream of Imperial Federation may become a practical reality; but it is safe to predict that the Imperial Federation which may then be adopted will have to be a broader and a much more adaptable form of government than any yet suggested by federalists.

[1] *Proceedings Imperial War Conference* (1917), p. 47.
[2] Morley's *Burke*, Ch. VIII.

CHAPTER IX

THE PROBLEM OF DOMINION STATUS—THE RECONCILIATION OF ABSOLUTE EQUALITY OF NATIONHOOD WITH THE FORMAL UNITY OF THE EMPIRE

I. ABSOLUTE EQUALITY OF STATUS AND IMPERIAL UNITY—THE DILEMMA

THE general acceptance of the principles of the settlement does not mean that there are not difficulties to be faced in working them out in practice. An ordinary group of independent states would have only one set of problems to solve, namely, the development of organs of co-operation. But the British Empire has a problem which is all its own, and is extremely intricate and difficult. This is the problem of securing absolute equality of status between the Dominions and the United Kingdom, without at the same time severing ancient and much valued ties, which were once symbols of the unity of the Empire as a single state, and are now symbols of its unity as a group of states.

The gradual and unceasing development of the Dominions, since the grant of Responsible Government, towards equality of status with the United Kingdom, has been recorded in the preceding chapters of this book. The events of the war accelerated this process. In the war the peoples of the greater Dominions became at length fully conscious of their nationhood. Their desire for complete equality with the Mother Country found expression in the speeches of their national leaders, and in the constitutional developments of

the war period. How rapidly this desire for equality has grown, and how insistent it has become, may be traced in the speeches of Dominion statesmen in the last three years. Neither in the Constitutional Resolution of 1917, nor in debate on this resolution, was *absolute* equality of status demanded. Sir Robert Borden spoke of a development in the future along the "lines of an increasingly equal status . . ."; and General Smuts said that equality would have to be recognised "to a very large extent."[1] But in 1919 this hesitation had gone. Dominion statesmen seized every opportunity to emphasise the necessity of recognising the "*absolute equality*" of the Dominions with the Mother Country. Moreover they struggled persistently and successfully to secure the international recognition of this principle, on every possible occasion during the making of peace and the re-settlement of the world's affairs from 1918 onwards.

The Treaty Debates in the Dominion Parliaments, particularly those of September, 1919, have given the latest and most striking indication of the importance attached by the Dominions to the recognition of the principle of equality of nationhood. In the Canadian debates every Minister who spoke repeatedly emphasised the principle, and the fact of its international recognition. In South Africa General Smuts emphasised the same point, even more strongly, on numerous occasions during the Treaty Debate, and in speeches delivered outside the House. "... We have received," he said, "a position of absolute equality and freedom, not "only among the other States of the Empire, but among "the other nations of the world."[2] Like the Canadian Ministers he went on to emphasise that this absolute equality included absolute equality as regards foreign relations as well as regards domestic concerns. In future, he said, the Dominions "would in regard to foreign affairs deal through "their own representatives."[3]

[1] *Proceedings*, pp. 41 and 47.

[2] Speech in Union House, September 10th.

[3] The question of status did not receive much attention in the Australian or New Zealand Debates. Mr. Hughes referred to the struggle made by the Dominions Premiers for separate representation in the Peace Conference, and emphasised that "by this recognition,

Taken by themselves, and out of their context, these emphatic assertions of "absolute equality" would appear to imply nothing less than Declarations of Independence by the Dominions, and the formal disruption of the Empire. But the debates give clear evidence that nothing is further from the minds of these statesmen, and, with the partial exception of South Africa, of the vast majority of their fellow members of Parliament, than the formal disruption of the Empire. Beside these emphatic declarations of independence, must be set equally emphatic, but seemingly incompatible, declarations of Imperial unity. The general sentiment was aptly expressed by a leading Canadian Minister: "The people "of this country are determined, on the one hand, to maintain "their connection with the Motherland; they are deter- "mined, on the other hand, to exercise the powers of a nation "within the Empire."[1] According to General Smuts the Dominion statesmen in Paris kept two things steadily before their eyes. They were anxious to secure "international "recognition of their status among the nations of the world; "but we were equally anxious to see that nothing was done "which would loosen the ties which bind together the British "Empire."[2] Nowhere were the apparently incompatible declarations of independence and of Imperial unity made more strikingly than in the South African House of Assembly. In the same debate General Smuts asserted the "absolute "equality" of South Africa among the nations of the world, and in answer to the question put by General Hertzog: "Has South Africa the right to secede from the Empire?" he said, "My reply is absolutely and decisively, 'No.'"[3]

What is the way out of the dilemma thus indicated?

"Australia became a nation, and entered into the family of nations "on a footing of equality." *Hansard* (Aus.), September 10th, p. 12,169. Mr. Massey pointed out that the Dominions had "ceased to be depen- "dencies of the Empire" and had become "partners." *Hansard* (N. Z.), September 2, 1919.

[1] Mr. Rowell: *Hansard* (Canada) LIV, p. 129. Cf. Mr. Doherty, p. 202. Cf. also debate on Treaty with Bulgaria, *ibid.*, March 11 and 16, 1920.

[2] *Hansard* (South Africa), September 9th.

[3] *Ibid.*, September 12th.

How is it possible to reconcile with the formal unity of the Empire the absolute equality of the Dominions with the United Kingdom and the other states of the world? We are here at the crux of the most difficult problem which now faces the statesmen of the Dominions and of the United Kingdom.

II. DISTINCTION BETWEEN LEGAL POWER AND CONSTITUTIONAL RIGHT—A GENERAL DECLARATION OF CONSTITUTIONAL RIGHT

The solution of this problem does not depend, as has sometimes been imagined, upon the discovery by a genius, in a flash of insight, of some unsuspected constitutional novelty. The solution must be sought in the complete and logical application, as the unifying idea of the settlement, of the principle upon which the development of the British Commonwealth of Nations has been based since the grant of Responsible Government. By means of this principle the independence of the Dominions and the formal unity of the Empire have already, for more than half a century, been successfully reconciled.

The formal unity of the Empire depends on the legal authority possessed by the Imperial Crown and by the Imperial Parliament in every portion of the Empire. The development of the Dominions towards independence has in nowise destroyed this legal authority; nor will it be destroyed by a general declaration on the part of the Dominions of their *constitutional* independence of the Mother Country. The gradual transformation of the British Empire from a single state into a group of equal and autonomous states has been brought about by the restriction, point by point by means of successive declarations of constitutional right, of the legal power of the United Kingdom over the Dominions. The most important of these declarations have been: (1) the declaration made by the Canadian Government in 1859 of

their constitutional right to control their own tariffs ; (2) the declarations made by the Australian Colonies, towards the end of the century, of their constitutional right to control immigration ; [1] (3) the declarations made by the Dominions in 1919—but still requiring authoritative confirmation—of their constitutional right to control their foreign relations. These declarations, implemented where necessary by Imperial legislation, have practically secured the constitutional equality of the Dominions with the United Kingdom ; but they have left the *legal* authority of the Crown and the Imperial Parliament intact. It seems obvious, therefore, that by developing to its logical conclusion the ancient and well known distinction of the British Constitution between legal power and constitutional right, it will be possible, without destroying the legal unity of the Empire, to secure to the Dominions the absolute equality of nationhood which they desire.

What is required is that the Imperial Conference should supplement and round off these *particular* declarations of constitutional right by drawing up, in the form of a resolution or of a series of resolutions, a *general declaration of constitutional right* covering the whole field of government—executive, legislative and judicial. Such is the flexibility of the British constitution that the great changes which this declaration would involve in inter-Imperial relations could be made for the most part without resort to Imperial legislation—simply by the creation of new " conventions of the constitution " or by giving authoritative expression to conventions already existing in an immature form. By this means the Dominions, in the eyes of the whole world, would be placed upon a footing of complete constitutional equality with the United Kingdom or any other independent state. Complete legal equality could only be obtained by adding to this a declaration of legal independence—that is, by the formal disruption of the Empire.

We have a right to demand of any great constitutional development that it should be in accordance with the peculiar genius of the British Constitution. The great virtue of that

[1] E.g., by N. S. W. in 1888 ; cf. Parkes : *Fifty Years in the Making of Australian History*, Vol II.

Constitution has been its elasticity and its power of adaptation to new conditions. The British Constitution has responded with equal versatility to the call to convert, without a violent constitutional revolution, an absolute monarchy into a crowned republic ; to develop the money voting function and the petition making privilege of the Parliament of Edward I into the complete legislative sovereignty of the British Parliament as we know it to-day ; to develop an irresponsible executive into a Cabinet responsible to Parliament ; and finally, and perhaps most important of all, to create, from within the bosom of a single state, a whole system of states.

The instruments which have made possible the latest and most startling of these achievements have been the legal sovereignty of the British Parliament, and the legal unity of the executive of the Empire as represented by the Crown. Without a doubt it is a thoroughly sound instinct which makes the self-governing peoples of the Empire oppose any suggestion that these great instruments have now done their work, and should be destroyed. By means of successive declarations of constitutional right these instruments have already been almost completely fenced in : by means of a *general* declaration of constitutional right this fencing in may be made so complete, that the danger of these instruments being used to encroach upon the liberty of the Dominions will be no greater than the danger of the present legal authority of the Crown being used to overthrow the British Constitution. Just as the royal veto in England has been limited out of existence by the growth of a constitutional convention, more effectively than it could have been by means of a statute, so the constitutional conventions established by means of this general declaration would limit out of existence the royal veto on Dominion legislation, and the sovereignty of the British Parliament in respect of the Dominions. Yet it would at the same time preserve these legal relics for the sake of their value as symbols of unity. Though locked up, as it were, in a strong room, the sovereignty of the British Parliament may be kept as a sort of gold reserve—a convenient and adaptable instrument which on some unforeseen

occasion in the future a Dominion might be glad to employ for some purpose, or which the peoples of the British Commonwealth might find a useful means of putting into operation decisions arrived at in common as to their future relationships to each other, or to the world at large.

It may be claimed, therefore, that by virtue of its retention of the legal sovereignty of Parliament and of the legal unity of the Crown throughout the Empire, whilst finally emptying them of the last vestige of British supremacy, the method of securing equality of nationhood in the Empire by a general declaration of constitutional right is in complete accord with the spirit and tradition of the British Constitution. After all there is much to be said for the British habit of preserving constitutional relics, provided of course that they are not serious barriers to progress. Such relics are often valuable indications of the direction and extent of constitutional development. And in this case not only do they call to mind the common origin and inheritance of British peoples, but they serve also as invaluable symbols of the steadfast will of these peoples to continue in the future as in the past to work together as an intimate group.

III. ASSERTIONS OF CONSTITUTIONAL EQUALITY AND INDEPENDENCE BY THE DOMINIONS IN 1918–19.

A close examination of the events of the last three years, and of the interpretation of these events by Dominion Ministers, reveals the fact that a general declaration of constitutional right is the almost inevitable goal at which the British Commonwealth is already on the point of arriving. This fact is very clearly revealed in the Canadian and South African Treaty debates. The claim made by the Canadian Government that Canada had at length achieved a status of complete equality with the United Kingdom, not merely as regards domestic concerns, but also as regards foreign affairs, met with strong criticism from many of the opposition speakers.

The Leader of the Opposition, and two former Ministers of the Laurier regime, failed to recognise the important constitutional changes which had taken place in the position of Canada. Taking their stand firmly upon the strict letter of the Act of 1867 (the Canadian Constitution), and ignoring the fact that in the last half century this has been modified and expanded in many vital respects by the growth of constitutional conventions, they announced that Canada and the other Dominions were not nations, but " dependencies of the " British Crown and subject to British Authority."[1]

In reply to this criticism, which was repeated by nearly every Opposition speaker, the Canadian Ministers were forced to state the distinction between " legal authority and con- " stitutional right," with unusual clearness, and to claim it as the guiding principle of their actions in connection with the Peace Treaty.[2]

In answer to the argument of the leader of the Opposition that Canada was not a nation, because of the legal sovereignty and the legal power of veto still possessed by the United Kingdom, and that the debating of the Treaty by Canada was a mere farce, because the United Kingdom possessed the legal power to ratify the Treaty for the Empire irrespective of the wishes of the Dominions, Mr. Rowell, the President of the Council, said : " My hon. friend fails to distinguish " between legal authority and constitutional right. His " Majesty the King has a legal authority to ratify this " Treaty irrespective of any of his advisers, but he has no " constitutional right to do so. The Imperial Parliament " has the legal authority to repeal the British North America " Act to-morrow, to conscript our men for their armies, to

[1] Mr. Fielding : *Hansard* (Canada), Vol. LIV, p. 194 ; cf. Mr. Mackenzie King (Leader of the Opposition), pp. 81–83 ; and Mr. Lemieux, pp. 163–66.

[2] The germ of the whole policy of the Canadian Government in this matter is to be found in the speech of Sir Robert Borden at the Imperial War Conference of 1917 (*Proceedings*, p. 59), where he emphasised the distinction between " legal power and constitutional right," and stated the principle that " the Crown in its relation to any Dominion acts " upon the advice of the duly constituted Government or Cabinet of " that Dominion."

"levy taxes upon the people, but Great Britain had no "constitutional right to do so, and it is because the British "constitution has been a growth and development, because "it can be so changed and is changed to meet the growing "need of a growing nation and Empire, that it has proved "such a magnificent instrument of Government. The "strength of the British Empire to-day rests upon the con- "stitutional rights which have been granted to different "portions of the Empire, and the British Government would "no more think of interfering with our constitutional rights "and freedom than they would think of recommending that "His Majesty should sign his own death warrant, although "they might claim they had a legal right to recommend "him to do so."[1] In answer to continued Opposition criticisms, Mr. Doherty, Minister of Justice, still further developed this distinction between legal authority and constitutional right. In the name of the Government he asserted Canada's "absolute right constitutionally to govern herself in "accordance with the laws made by the Parliament of "Canada."[2]

Much the same thing happened in the Assembly of the Union of South Africa. In his speech introducing the Peace Treaty General Smuts asserted that by virtue of the events which had taken place in Paris, South Africa had achieved a new status of absolute equality with all nations. His statement was at once challenged by General Hertzog and his followers, whose contention was that "nothing had happened "to change the relations of the different Dominions to the "United Kingdom, and that all these fine sounding phrases "were meaningless."[3] Confronted, like the Canadian Ministers, with the argument that the letter of the law was

[1] *Hansard* (Canada), LIV, pp. 127–8.

[2] *Ibid.*, pp. 204–5. Mr. Doherty pointed out that on several occasions in recent years the British Parliament had refrained from exercising their legal power to legislate in matters affecting Canada (such as naturalisation and copyright) in view of the assertion by the Canadian Government of their exclusive constitutional right to legislate on all Canadian questions.

[3] Speech of Mr. Roos. Cf. Speeches of General Hertzog and Dr. Malan. (*Cape Times*, September 10, 1919.)

all that mattered, General Smuts was forced, like them, to justify his position by developing the distinction between legal power and constitutional right. "Constitutionally," he said, "the Union Parliament was the legislative power for "the Union, and the doctrine that the British Parliament was "the sovereign legislative power for the Empire no longer "held good. The British Parliament could not, without the "consent of the Union Parliament, pass any law binding "South Africa, without a revolution. . . ."

"*Mr. Roos:* Would it be legal?

"*General Smuts:* It is not a question of law. It would be "unconstitutional."[1]

This evidence shows clearly that definite declarations of legislative equality and independence have already been made by the Canadian and South African Governments, and by implication accepted by the Parliaments to which they are responsible. But the Treaty debates reveal an even more important fact than this. They reveal that the Dominions have now broken down the last remaining citadel of British supremacy, namely, her monopoly of the decision of questions of high policy, of the treaty making-power, of the issues of peace and war. On every possible occasion since 1918 the Dominions have insisted upon the observance of the principle of equality of nationhood in matters of foreign policy. They shared in determining the general foreign policy of the Group from 1917 onwards. They secured equality of status as regards representation in the Peace Conference, as regards the great executive acts arising from the Peace Conference (namely, the appointment of plenipotentiaries, and the signing and ratification of the treaty), and also as regards the great organs of international government—the League of Nations and the International Labour Organisation—which it created.[2] These successive declarations of constitutional equality in respect of particular questions of foreign policy, led naturally to the general declarations of constitutional equality and independence in foreign affairs made by the South African and Canadian

[1] *Ibid.*

[2] See above Ch. VII., pp. 180 ff.

Ministers during the Treaty debates in their respective Parliaments. " . . . As the result of the Conference in Paris," said General Smuts, " the Dominions in future would in " regard to foreign affairs, deal through their own representa- " tives. The Dominions of the Empire would in future, " therefore, stand on a basis of absolute equality."[1]

As later pronouncements and developments have shown, it is clear that " absolute equality " in foreign affairs was meant by General Smuts and the Canadian Ministers to include, not merely direct participation by Dominion Ministers in international Conferences, and equality as regards the treaty-making power, but also the right of the Dominions to organise their own Foreign Offices and diplomatic services, if they should so desire.

The present position with regard to a general declaration of constitutional right may therefore be summed up as follows: Such a general declaration would include declarations of *legislative, executive,* and *judicial* equality and independence. As regards legislative and executive functions, declarations of constitutional right have already for practical purposes been made—in particular instances by Australia and New Zealand, more generally by Canada and South Africa. As regards judicial equality a similar declaration was made, either implicitly or explicitly, by most of the Dominions at the Imperial War Conference of 1918.[2]

The time is therefore ripe for a *formal, general, and authoritative declaration of constitutional right* by the one

[1] *Cape Times*, September 10th to 11th. For the Canadian declarations see speeches by Sir Robert Borden and Messrs. Rowell and Doherty. (*Hansard*, Canada, Vol. LIV, September 2nd to 11th, especially pp. 22–3; 131–4; 192, Mr. Meighen; 204.) Similar declarations do not appear to have been made so explicitly in the Australian and New Zealand Parliaments, but Mr. Hughes took a very active part in the successive declarations of equality mentioned above, and Mr. Massey concurred in all the decisions.

[2] Debate on Imperial Court of Appeal. (*Proceedings*, pp. 134–53.) The debate showed that all the Dominions were prepared to insist on " equality of status " in this matter, but that most of them inclined to the view that equality should be secured by the abolition of appeal to the Privy Council, rather than by the creation of a single Imperial Court of Appeal. Cf. below, pp. 263 ff.

body which can satisfactorily make it, namely, a special constituent Imperial Conference.

IV. EXECUTIVE EQUALITY AND THE PROBLEM OF FOREIGN AFFAIRS

The one really vital sphere in which the Dominions have until recently remained more or less dependencies is foreign affairs, in the sense of high politics. It is, therefore, in this sphere that the general declaration of constitutional right will have its most important effect. Equality of nationhood must be conceded without reservation in respect of foreign affairs, as in all other matters. Equality in respect of foreign affairs means that full recognition must be given to the constitutional right of the Dominions to establish their own Foreign Offices, and to enter into diplomatic relations with foreign powers, both receiving and accrediting diplomatic representatives: it means also that the Dominions must be conceded a position of absolute equality with the United Kingdom in respect of the concluding of treaties and the making of war and of peace.

At first sight the way in which a general declaration of constitutional right would operate to secure these objects, without at the same time disrupting the Empire, may not seem clear. But it will become clear if we consider the operation of the two vital factors in the situation, namely, the will of Great Britain and the Dominions to work together as a group, and the existence of the Imperial Crown, and the recent constitutional developments in respect of the foreign relations of the Dominions which have centred round that institution. It will be mainly by giving authoritative expression to conventions of the constitution already in process of development, that a general declaration of constitutional right will operate in securing equality of nationhood to the Dominions in respect of foreign policy.

The Imperial Crown

At a moment when Republicanism is steadily overthrowing the thrones of Europe, the British Monarchy not only stands

firm, but actually seems to increase in prestige. But it is not really the British Monarchy which is increasing in prestige: left to itself it might not have survived more than another generation. What is increasing in prestige is the Imperial Crown, an institution from which the British Monarchy is quite distinct in theory, but with the fortunes of which it is indissolubly united, by reason of the fact that the two institutions meet together in the body of a single person. The position of the Crown as a great bond uniting a society of free republics is, indeed, one of the most remarkable features of modern times.

The really vital factor which must be taken into consideration in any attempt to estimate the position of the Crown in the British Empire, is not the eulogies so frequently and so fervently made by members of the House of Lords, a body which would not survive the extinction of the Monarchy by a single day. Nor is it the reverence shown to the Crown by some of the English people, nor the good natured tolerance shown by others, and their appreciation of the personal qualities of a family which is obviously sincere and anxious for the welfare of the people they serve. Nor is it even the fascination which the idea of a personal ruler, an Emperor, seems to exercise over the masses and even some of the intellectuals, in India and the Dependencies. It is rather the obviously sincere tributes paid, time after time, to the value of the Crown as an Imperial institution, by the leaders of the overseas Democracies. One of the most striking features of the Constitutional Debate of 1917, was the reference made by speaker after speaker to the value of the Crown as a bond of Empire, "the keystone," as the New Zealand Premier put it, "of the Imperial arch."[1] There was something here which went beyond the usual formality of the "loyal resolution" passed by each Imperial Conference. What this something was may be gathered from the speech in which General Smuts in 1917 somewhat startled public opinion in England by offering what was perhaps the most

[1] *Proceedings*, p. 46; cf. p. 31–2; 57–8; 60, etc.; cf. also *War Cabinet Report* (1917), p. 10, where the tributes are singled out for special mention.

glowing tribute yet paid to the value of the "hereditary "kingship" as a means of keeping the Empire together.[1] He placed the Crown side by side with the Imperial Conference as one of the two most potent bonds of union. "You "cannot," he said, "make a Republic of the British Common- "wealth of nations, because if you have to elect a President "not only in these Islands but all over the British Empire, "who will be the ruler and representative of all these peoples, "you are facing an absolutely insoluble problem."

These were weighty words, but in 1917 their full significance had not yet been revealed. It was not revealed until the constitutional developments of the Peace Conference period, and the consequent enunciation by the Dominion Prime Ministers of a new doctrine of the position of the Crown in relation to the Dominions, suddenly illuminated the whole situation. The doctrine ran as follows: "The Crown is the "supreme executive in the United Kingdom and in all the "Dominions, but it acts on the advice of different ministries "within different constitutional units."[2] There is a certain resemblance between this declaration and the declarations made at the Imperial War Conference of 1918.[3] But there is this vital difference. The doctrine of 1918 was that of the Governor General as Viceroy; while the doctrine of 1919 was that of the King as the King of Canada, of Australia, of South Africa, and of New Zealand, as regards the foreign relations of these states. By virtue of the developments traced in Chapter VII (which must be kept in mind throughout this section) this doctrine is now an established convention of the constitution, resting upon important precedents. Already on a number of occasions the Crown has acted in foreign affairs on the advice of Dominion Ministries.

[1] May 15, 1917.

[2] Memorandum circulated on behalf of Dominion Prime Ministers by Sir R. Borden to British Empire Delegation, March 12, 1919. (*Hansard* (Canada) LIV, p. 157.) A similar declaration was made by Sir Robert at the Imperial War Conference (1917). (*Proceedings*, p. 59.) Cf. the assertion of Sir Wilfrid Laurier at the Imperial Conference of 1907, that the Canadian Government was as much "His Majesty's "Government," as the British.

[3] *Proceedings*, pp. 155–65.

It is in the light of these facts that we must regard the recent visits of the Prince of Wales to Canada, New Zealand, and Australia. These visits were simply a sign of the personal recognition by the British Monarchy of the new constitutional fact, that the Crown no longer merely touches the Dominions indirectly through its Viceroys, but has now entered into a new and direct personal relationship with them as the formal instrument of their foreign policies. The significance of the visit may be summed up in two quotations, the first from the *Winnipeg Free Press*, the great Liberal daily of the Canadian West, and the second from a speech made by the Prince of Wales in London after his return from Canada. "In a family "of nations equal in status," said the *Free Press*, "the one "visible bond of union is the Crown. The old indirection has "vanished. The Crown symbolises the common origin, the "common ideals, the common traditions of the British race. "It occupies in the constitutions of all the confederate states "virtually the same position and wields in each virtually "the same prerogatives. The relations of the young, but "self-reliant and self-supporting, British nations of the New "World and the Antipodes to the Crown have become direct "and personal since the recognition of their nationhood "contained in the Treaty and in the League of Nations "Covenant."[1]

The statement made by the Prince of Wales was as follows: "The King, as the constitutional sovereign of the Empire, "occupies exactly the same place in Canada and in the whole "British Empire as he does in Great Britain, and his House, "although originally founded in Great Britain, belongs "equally to all the other nations of the Commonwealth."[2] In these quotations the new situation is aptly summed up, and the Crown stands out in its new rôle as the symbol of the constitutional equality and independence of the Dominions, and as the only means whereby this new status can be reconciled with the maintenance of the formal unity of the British Empire. The warmth of the receptions given to the Prince in each of the Dominions may be taken as a sign of the realisa-

[1] Quoted in *Round Table*, December, 1919.
[2] *Times*, December 19, 1919.

tion of this new situation, as well as of a desire to show the solidarity of the peoples of the British Commonwealth.

It is evident that the British people have hardly yet realised the difference which this new situation must make in their attitude to the Crown as an English institution. Were the Crown to be extinguished as a result of the growth of republican feeling in England, it is quite possible that the Dominions might refuse to accept the obvious mark of political inferiority involved in acting in their foreign relations through the chief citizen of another Republic, and in importing their Presidents from that Republic. Formal disruption might then have to be faced—unless indeed the problem of electing a President to act as the figurehead of the British Commonwealth were found on close examination to be not such an "absolutely insoluble problem" as General Smuts has suggested.

Control of Foreign Policy by the Dominions and Modes of Group Action

The doctrine of the equality of the Dominions in respect of the Imperial Crown has its most important application with regard to foreign relations which concern the Empire as a whole. An analysis of the two chief examples of the application of this doctrine to foreign policy will help to indicate the methods whereby the Dominions may secure complete control over their foreign affairs. These examples were (a) the appointment by the Crown, on the advice and responsibility of Dominion Ministries, of Dominion Plenipotentiaries to sign the Peace Treaty in the name of the Crown and on behalf of their respective Dominions; (b) the ratification of the Treaty by the Crown on the advice and responsibility of the Dominion Ministries.[1] These acts were the formal outcome of policies in the decision of which the

[1] See *ante*, Ch. VII, § 5, pp. 191–4.

Dominions had shared with the United Kingdom as partner nations; they show that the British Empire has become a group of equal states, and that it can no longer be regarded as an international unit consisting of a sovereign state with a number of dependent communities for which that state acts in matters of foreign policy. When the British Empire signs or ratifies a treaty, the action, like the policy of which it is the expression, is a group-action made up of a number of simultaneous and concerted actions, each done in the name of the common Crown by the representatives of each of the autonomous states.

The chief mode of group action which, as these examples indicate, is likely to be adopted in the future with regard to major questions of foreign policy, is as follows: first, the question of policy will be discussed in the group-Conference, that is, the Imperial Conference, and a decision will be arrived at with regard to it. If the decision is positive and requires legislative action, or the approval of the legislatures, it will then be submitted by each Ministry to the Parliament to which the Ministry is responsible. If the matter requires executive action, this action will be taken in concert by the several Ministries. If the issuance by the Crown of special powers is necessary, these powers will be issued by the Crown to each Ministry on the advice and responsibility of that Ministry.

The other mode of group action, which may on occasion be adopted, is that of entrusting the execution of a decision arrived at in the Imperial Conference to the Foreign Secretary, or some other leading Minister, of one of the states of the Group. The Group would thus act through a leader, which for the present would probably be the United Kingdom. The method of speaking with one voice by speaking through one voice—that of a recognised leader—might be considered most effective in the case of really vital enunciations of group policy, such, for example, as the declaration of a war decided upon in common council by the various members of the Group. Even if the Dominions stand on a footing of perfect equality with Britain in all questions of foreign policy, she will remain, at least for a long time to come, "*prima inter*

"*pares.*" If desired, a combination of these two modes of group action might on occasion be adopted—Canada or Australia (say) acting in concert with the United Kingdom, New Zealand acting through the United Kingdom as the leader of the Group.

A certain distinction is implied here—a distinction which is clearly indicated in the developments of the last two or three decades—between (*a*) foreign relations which are to be treated as "group" questions, that is, are to be decided by the Group as a whole, and not as in the past by a single dominant member of the Group, and (*b*) foreign relations which, since they do not directly affect the Group as a whole, are to be treated as "national" questions, and are to be decided ultimately by the particular nation concerned, though not without consultation with the other members of the Group. Amongst questions which may be regarded as group questions may be mentioned the making of war and of peace, the negotiation of important political treaties or conventions, and perhaps the annexation of territory. Amongst questions involving foreign relations which have been definitely recognised as national rather than group questions may be mentioned trade relations (including tariffs and commercial treaties), immigration (including immigration agreements and conventions), copyright, naturalisation, merchant shipping, and the appointment of diplomatic agents.

The distinction made between these two kinds of questions is reflected in the different procedure which has been adopted in respect of each. The practice which has recently been formally adopted in respect of vital "group" questions, is that the Imperial Crown shall not take formal action in such matters unless all the Governments concur in advising it thereto. While in respect of "national" questions the practice adopted (at first informally, but consciously and formally applied by the Canadian Government in respect of the Canadian Ambassador at Washington) is that the Imperial Crown acts on the advice and responsibility of the Government of the particular Dominion concerned.

This vital distinction and these important constitutional practices are not the result of the conscious application of

some preconceived plan. They represent rather the channel worn by successive attempts to solve particular difficulties. They do not appear even yet to have taken the form, in the minds of the statesmen concerned, of a conscious generalisation from the facts of experience. Yet it is only by making and applying this generalisation as a unifying principle, that we can understand the significance of recent developments and discover a rational solution of the problem of Dominion status.

The characteristic which both "group" and "national" questions have in common is that they involve action by the Imperial Crown. As the position stands at present, the Dominions in order to enter into formal relations of any kind with foreign powers (e.g., the conclusion of any kind of treaty or convention—as distinguished from an informal agreement—the appointment of diplomatic agents, the appointment of Dominion plenipotentiaries in international conferences, etc.), must have access to, and be able to make use of, the sovereign powers which remain vested in the Imperial Crown.

These powers have never been devolved upon the King's Viceroys, that is, the Governors General, because such devolution would involve the formal disruption of the Empire into a number of sovereign states which would be separate units in international law, though they might choose to remain bound to the parent state by the purely personal and indirect tie of the common Monarchy—a tie no longer possessing any constitutional significance. Although opinion throughout the Empire is strongly opposed to a solution along these lines, there is something to be said for it.[1]

There have been, moreover, two very interesting precedents in British history for a development of this kind.[2] The first was the personal union of the Crowns of England and

[1] The solution has been advocated for a number of years with some telling arguments and much learning by J. S. Ewart, K.C. (Canada), in his books: *The Kingdom of Canada* and *Kingdom Papers* (two vols.). Since 1917, however, Mr. Ewart has abandoned the idea of the Kingdom of Canada in favour of a Canadian Republic (see *Imperial Projects and the Republic of Canada, Kingdom Paper*, No. 21, 1917). For an interesting criticism of Mr. Ewart's views as they stood before 1917, see Keith: *Imperial Unity*, pp. 510–29.

[2] Ewart: *Kingdom Papers*, I, pp. 178–84.

Scotland from 1603–1707. During the period the sovereignties remained entirely distinct, the two countries having separate flags and separate coinages. The experiment ended finally—as an alternative to the threatened separation of the two Crowns—in the political union of 1707. The second precedent was the personal union of the Crowns of Hanover and Great Britain, which lasted from 1714 to 1837, and came to an end with the accession of Victoria, through the operation of the Salic law preventing female succession to the Hanoverian throne. The interest of this case is that the distinction between the two states was fully recognised in international law. The two Governments remained absolutely distinct, and war was actually waged by George I as Elector of Hanover, whilst as King of Great Britain he remained neutral. But the parallel between these two examples of a personal union, and that of a purely personal bond of the Crown uniting a group of independent British States, is by no means complete. On the one hand, there have been considerable developments in international law since the Eighteenth Century. On the other hand, the large powers of the Crown which helped to make this experiment possible (Parliamentary Government came only at the end of the first experiment, and throughout the second the Government of Hanover remained purely despotic) have now entirely disappeared ; and any increase in these powers on the plea of their necessity for the working of a third experiment would rightly be regarded as intolerable. But it is quite probable that given the will to work together as a group (a will now powerful and likely to increase rather than to diminish) and the continuance and the expansion of the existing machinery of co-operation, a personal union of the kind indicated could be made to work successfully as between the various states of the British Commonwealth without in any way increasing the power of the Crown.

But despite the appearance of simplicity which this solution possesses, and despite its avoidance of certain difficulties which are inherent in any other form of solution, it runs counter to the deeply rooted feelings of the self-governing peoples of the Empire that the formal unity of the Empire is worth preserving, and that the equality of status which the

Dominions desire can be achieved without destroying this unity. If faced with the necessity of choosing between personal union and complete separation, they would, of course, choose the former, but they regard partnership on a basis of equality within the formal unity of the Empire as far better than either. Undoubtedly these feelings are right. We must set aside the idea of a purely personal union, and must try to discover some method whereby, without divesting the Imperial Crown of the sovereign powers the centralisation of which in that Crown constitutes the formal unity of the Empire, the Dominions may have access to those powers on a basis of equality with the United Kingdom.

There are obvious difficulties in the way of giving the Dominions direct access to the King. It is a fundamental principle of the British Constitution that the King shall act only upon the advice and responsibility of his British Ministry. If Dominion Ministers were given the right of free access to the King, irrespective of the wishes of the British Government, this would mean that the King would gain the right to act in important questions of policy independently of that Government. Separate access in respect of "group" questions is obviously impossible simply because they are group questions, and formal action in respect of them would involve the whole Group. And even in respect of what have been called "national" questions, the right of direct access to the Imperial Crown might involve an aggrandisement of the powers of the King of England which would be intolerable to the British people.

What then are we to say of the claim made by the Dominion Prime Ministers in the Memorandum already mentioned to equality before the Imperial Crown in respect of foreign affairs; or of the assertions made repeatedly by the Canadian Ministers in the Canadian Treaty Debates that in appointing Canadian Plenipotentiaries, the King acted on the advice and responsibility of his Canadian Ministry; or of the statement with regard to the appointment of a Canadian Minister at Washington made on May 10, 1920, by Mr. Bonar Law in the House of Commons, in which he said: "It has been agreed "that His Majesty, *on the advice of his Canadian Ministers,*

"shall appoint a Minister Plenipotentiary who shall have "charge of Canadian affairs . . ."? In none of these instances was it stated or implied that the Dominion Ministers had *direct* access to the King, that they offered their advice to him in person, or that, in taking action in accordance with their advice, he departed from the custom of the British Constitution by acting through a Dominion Minister instead of through a British Minister. For example, the Canadian Order in Council advising the King to issue full powers to certain Canadian Ministers to act as Canadian Plenipotentiaries for the purpose of negotiating and signing the Peace Treaty had to be sent to the King via the British Ministry, and the King in issuing the powers acted through the British Foreign Secretary,[1] and a similar procedure was no doubt followed in the appointment of the Canadian Minister at Washington.

But as Mr. Bonar Law's statement indicates, observance of these forms does not mean that in substance equality of status has not been secured by the Dominions. It is clear that so long as the British Crown and the Imperial Crown remain united in the body of one person, the King of England, it is inevitable that the British Government should remain the channel through which the Dominion Governments reach the King. But in the cases mentioned the Canadian Government justified their claim to have secured equality of status on the ground that although the British Government of necessity retain the *legal power* they do not have the *constitutional right* to close or to restrict this channel.[2] It is obvious that

[1] The point was raised in the Canadian Treaty Debate, and was not very successfully dealt with by the Ministry. (*Hansard* (Canada) LIV, pp. 133–44 and 206.) For the documents showing how the Order was framed, and how it reached the Crown, see *Sessional Paper* (Canada) 41 J. (1919). See also above, pp. 191–4.

[2] Compare the suggestion made by Dr. Keith (*Times*, July 12, 1919), that the difficulty in respect of the issuance of powers by the Crown to Dominion Ministers might be overcome by the adoption of the "Constitutional convention that the issuance of full powers to Dominion "representatives on the request of their Government, should be "incumbent on the Secretary of State for Foreign Affairs as a "Ministerial function excluding any exercise of discretion on the part "of the Government of the United Kingdom."

we have here in process of formation a constitutional convention which will secure to the Dominions quite as effectively as some harder and more formal instrument the equality of status which they desire. A constitutional convention of this kind may be said to exist (although it still requires authoritative statement) in the case of commercial treaties, the appointment of diplomatic agents, and other questions of international relationship which have come to be regarded as "national" rather than "group" matters.

With regard to "group" questions, a constitutional convention of a somewhat different kind may be said to have developed since 1917, the effect of which has been to secure equality of status for the Dominions. The essential character of "group" questions is that action by the Crown in such matters cannot be taken for one member of the Group without necessarily involving the others. Until recently such actions have been taken by the Crown solely upon the advice of the British Government, and although in many cases the Dominions have been consulted and have given their consent, in some of the most important of all they have been involved without consultation. The effect of the constitutional developments from 1917 onwards has been to introduce the new constitutional practice that the Crown should not take action in any vital matter of high policy involving each part of the Empire unless advised thereto by all responsible Governments of the Group. This constitutional practice has now worn a channel sufficiently deep to create a new convention of the constitution—the convention that the British Government no longer has the constitutional right exclusively to advise the Crown in respect of vital questions of high policy involving the whole Empire, but must share this right with the Dominions.[1] All that this convention requires to establish it firmly is authoritative statement by the Imperial

[1] Attention has been repeatedly drawn by Dominion and also by British Ministers to the existence of this convention, e.g., in the Canadian Treaty Debates. The convention may be said to have been finally established as a result of its successful reassertion by the Canadian Government in respect of the ratification of the Peace Treaty in 1919. Lord Milner admitted the existence of the convention, but was in a hurry to secure ratification. The Canadian Government replied that

Conference as part of a general declaration of constitutional right.

It is important that the possibilities involved in the adoption of this convention should be frankly faced. The best way to make the system work is to see clearly what must happen if it breaks down. The convention assumes the possibility of unanimity on group questions. It assumes that in the future the states in the British Empire will adopt the practice of continuous cabinet consultation, and will act in vital matters of foreign policy requiring formal action by the Imperial Crown, either together or not at all. The breach of the convention by one of the members of the Group, or the failure to secure an ultimate agreement upon a common policy in such a matter—that is, the offering of independent advice to the Crown on such a question by one of the Cabinets, or the offering of conflicting advices—would produce a crisis. Provided the rule is observed that no advices on "group" matters must be offered, except through the British Ministry, and after discussion in the Imperial Conference, there is little likelihood of such a crisis arising; but if it did occur there would be only two ways of escape: either the dissentient minority must acquiesce, or it must secede from the Group. Acceptance of the first alternative would probably involve the setting up of an Imperial super-state definitely based on the principle of majority rule.

Given reasonable forbearance on the part of British and Dominion statesmen the task of agreeing upon a common policy in respect of group questions should not be very difficult. It should even be easy, by reason of the strong and growing will to unity throughout the Empire, and the knowledge that public opinion will not be likely to tolerate serious divergence.

" the King in ratifying the Treaty ought only to act at the instance " of all his constitutional advisers throughout the Empire, but we do " not entirely understand the suggestion " (Milner's) " that in the " case of the Dominions the signature of the Dominion plenipotentiaries " is equivalent to the tendering of advice to ratify." They insisted that ratification so far as Canada was concerned should not take place until the Treaty had been approved by their Parliament and formal advice to ratify had been offered. (See above, pp. 191–4, and *Sessional Paper* (Canada) 41 J.)

Undoubtedly the necessity of securing agreement on a common policy involves the possibility of delay in securing a decision; but granted developments in the machinery of co-operation as outlined in the following chapter, this should not prove a very serious obstacle. Moreover the delaying effect of the League of Nations, and the opportunity afforded by it for mature consideration, should diminish the necessity for sudden and hurried decisions in matters of high policy.

It is clear that there must be a formal acceptance of the rule "one state one vote," and of the requirement of unanimity in respect of group action.[1] But rules like these are meant to serve as safety-valves. They are not the boiler which generates the power, but the vents through which it escapes if unjustifiably used. The whole experiment is clearly doomed to failure unless to these rules is added the rule of British common sense, the will to agree even though at the cost of compromise, the unwillingness to allow, save for the very best of reasons, the interests of a few, even though they form a "nation," to block the path of an overwhelming majority.

It is likely, therefore, that in practice a rough system of majority rule, such as could be observed in the working of the Imperial War Cabinet from 1917 to 1919, will have to be recognised. It was not the absence of differences of opinion which enabled the Imperial War Cabinet to secure agreement on all essential points, but the willingness shown by its members to make sacrifices, if necessary, for the sake of securing agreement. British Ministers were unwilling to press a policy opposed by all the Dominions, and Dominion Ministers showed, by their attitude towards Britain, their recognition of the fact that besides *rights of status* there is such a thing as *rights of stature.*

The experience of the Empire shows that it would be unwise to attempt beforehand to make any rigid division

[1] Cf. Statement by General Smuts in the Union House (*Times*, June 26, 1920): "We are not going to be coerced by the majority. "If a common organ is going to be established no resolutions should "be taken without the unanimous agreement of all parts of the "Empire . . ." Cf. on this question Ch. X, § 6.

between "national" and "group" questions. Whether a particular question falls into one or the other division will have to be decided by the Imperial Conference. Theoretically, divergence may go a long way without necessarily involving formal disruption. It is not generally realised that the possibility of divergence extending even to important political treaties has been contemplated: though it has not in practice occurred, it has been provided for by the insertion of clauses (for example, in the Anglo-Japanese Treaty and the "reinsurance" Treaty between Great Britain and France, and the United States and France) reserving to the Dominions the right of separate adherence.[1] It seems clear, therefore, that even in the case of a group-treaty, if one member of the Group refused to advise the Crown to ratify on its behalf a treaty which was accepted by all the other members, the Crown might still ratify for these members without binding the dissenting member. Whether the dissenting member by reason of its failure to co-operate would be driven sooner or later into secession would depend entirely upon the circumstances of the case.[2] But in the case of treaties in which the contracting parties contemplated the possibility of being involved in a war on each other's behalf, it is probable that if such a war occurred the dissenting member would legally be involved in it. The Dominion Governments have always recognised that a declaration of war by the Imperial Crown would technically involve them in belligerency. Though whether this belligerency remained purely passive or became active would depend entirely upon themselves.[3]

[1] See Article V of the "reinsurance" treaty.

[2] Cf. on this whole question the speech of Mr. Rowell in the Canadian House, March 16, 1920. (*Hansard* LV, p. 522.) Compare also the discussions in the Treaty Debate of September, 1919. (LIV, pp. 23, 131–2, 215, etc.) The attitude taken by the Canadian Ministry was that the failure of Canada to accept the Treaty would at once raise the question of the continuance of Canada in the British Empire.

[3] Keith: *Imperial Unity*, pp. 339 ff. Compare the recent declaration made by the Canadian Government that in the event of a dispute likely to lead to a rupture arising between any state of the British Commonwealth and a foreign country, the other British States would automatically become, in the terms of the Covenant of the League, "parties to the dispute." Cf. below, Ch. XI, pp, 347-8.

But pursuit of the theoretical limits of divergence is not very profitable. As a matter of practical politics, there is obviously a limit beyond which it cannot go without causing the formal disruption of the Empire. Just as in a partnership, if one of the partners persists in pursuing a divergent policy on some vital question a dissolution of the partnership becomes inevitable, so in the British Commonwealth if one state (whether a Dominion or the United Kingdom) persists against the will of the other members in a separate and independent course on some really vital question of high policy, it would thereby in all probability be forced to secede from the Empire.

It is of the greatest importance to realise that even in the case of " national " questions excessive divergence of policy is likely to lead to the disruption of the Empire. Attention has already been drawn to the intimate connection existing between everyday international relationships and questions of " high policy."[1] The unity of the British Group of States, if it is to be real, must be based upon the closest co-operation in these everyday relationships. Only then will it be able to deal successfully with the matters of high policy which these relationships throw up from time to time. If, for example, the United Kingdom and the Dominions fail to consult each other, and pull in half a dozen directions in respect of their trade and immigration policies, they will inevitably pull in the same number of directions in respect of the questions of high policy arising out of these matters.

In the past it has been a recognised convention that the policies of the various states (including the United Kingdom) in respect of trade and immigration and kindred matters, should at least be brought to the notice of the other members of the Group, and should be discussed in the Imperial Conference if any member desired such discussion ; and it is obvious that if the nations of the British Commonwealth are to maintain their unity, this convention must be not only maintained but strengthened.

[1] Cf. above, Ch. VI, § VII, etc.

Diplomatic Representation

From the recognition accorded by the United Kingdom to the equal nationhood of the Dominions, confirmed by the definite international status given to them in the Peace Conference and in the League of Nations, it follows that the Dominions have now a constitutional right to separate diplomatic representation. The necessary powers may be secured from the Imperial Crown by the procedure just described, as has already been done in the case of the appointment of a Canadian Ambassador at Washington.

Australia and Canada had already established, some years before the war, their own Departments of External Affairs, and legislation has just been passed providing for a similar Department in New Zealand.[1] These Departments could do (in fact already do to a large extent) the work of Dominion Foreign Offices, and there would be nothing to prevent the word "External" being changed to "Foreign," if this were desired as a further mark of equality of status. Even if the greater Dominions established their own Foreign Offices, there would be nothing to prevent them from working occasionally through the British Foreign Office, if this were thought desirable; and it is quite likely that the smaller Dominions may continue for a time to conduct all or a part of their foreign relations through the British Foreign Office and its Foreign Services.[2]

It is, indeed, of the utmost importance that any scheme

[1] See *Hansard* (N.Z.), October 17, 1919. Since November, 1916, the Australian Department of External Affairs has been known as "Home and Territories," but a new Foreign Affairs Department is being organised as a branch of the Prime Minister's Department. In South Africa foreign affairs are dealt with by the Prime Minister.

[2] According to the *Round Table* correspondent, New Zealand still regards herself as "in a state of tutelage so far as foreign affairs are "concerned" (December, 1919). Newfoundland is technically a Colony rather than a Dominion, and the fact that she was not given a separate place in the Peace Conference, and in the League of Nations, marks her as definitely inferior in status to the Dominions.

for the future government of the Empire should make allowance for a great deal of divergence of type. It is not possible to fit into any rigid common mould a group of heterogeneous communities; some of which are fully developed, others are still visibly immature; some, although ultimately destined for complete statehood, are at present in the earlier stages of political development, and others again (like Newfoundland, Malta, and perhaps even Ireland), by reason of their special circumstances, may never be in a position to assume the full and self-reliant statehood of a great Dominion such as Canada.

It is clear that, with the development in the Empire and in the League of Nations of the method of direct conference between governments, the more important questions of international relationships will be dealt with in the future by regular conferences between Foreign Ministers, and by *ad hoc* conferences between the Ministers concerned with particular relationships. Diplomatic services are therefore likely to decline somewhat in importance. But they will remain of sufficient importance to make it essential that the Dominions should begin at once to establish their own services in the more important foreign countries. These services are needed for three main purposes: (*a*) for the protection and aid of individual Dominion citizens; (*b*) for the representation of a Dominion in cases where the national interests of all its citizens are concerned; (*c*) for the collection of information. It is hardly in accordance with the spirit of nationhood in the Dominions that these questions should be dealt with by the British Foreign Services. Even the most zealous agents of the most friendly of states can hardly bring to bear that peculiar combination of intimate knowledge and of sympathy required to deal effectively with important Australian and Canadian interests, whether these are national in character or merely affect individual Australian and Canadian citizens in foreign countries.

One of the most important of all the services rendered to a community by its Foreign Service is that of gathering information for the use of private individuals, or for the use of the Government and of its Departments. If properly

constituted, these services should be able to give to their Governments full information about the great political, social and economic movements which are going on in foreign countries. Such movements in Japan, for example, are of immense importance to Australia and to Canada; and one of the most important duties of their diplomatic agents in Tokio would be to send to their respective Governments a constant stream of information about these questions. What the absence of such an intelligence service means to the Dominions is well indicated in a recent summary of the duties of the British Foreign Services.[1] "It is their duty "to collect and place at the disposal of the Government "detailed information as to the political tendencies, the "commercial activities, the social and industrial institutions, "and the general character of all foreign countries. They "should examine and report on every social reform, every "experiment in industrial organisation, every commercial "enterprise set on foot in every part of the world." This work is done nominally for the "British Empire," but actually for the United Kingdom alone. It results in a stream of invaluable Blue Books issued by various government departments, such as the Board of Education and the Board of Trade.

It is obvious that the Dominions cannot afford to be without the latest and most accurate information as to how the rest of the world is attacking political, social and economic problems fundamentally akin to their own. The time must soon come in the Dominions, as it is coming in England, when most great government departments will not be considered properly equipped for their work unless they have made some special provision for the organisation of inquiry and research. Whatever form this provision takes—whether it be that of an Intelligence Section, such as those possessed by the British Board of Trade, the Board of Education, or the Ministry of Labour; or of a special Department of Government such as the British Ministry of Reconstruction, or the Department of Scientific and Industrial Research—

[1] *The Foreign Office and the Foreign Services Abroad*, p. 7. (Council for the Study of International Relations, 1917.)

those charged with the work of inquiry and research must range the whole world for their information.[1] As a means of gathering the information required, or of aiding Commissions sent to carry out special investigations, the presence of Dominion diplomatic agents at every great foreign capital would be invaluable.

The ingenious devices used in the past by Canada to get over the difficulty of her inferior diplomatic status have hardly been in accordance with her national dignity. The device used to enable the Canadian War Mission at Washington to perform the functions of an embassy without giving it the status of an embassy may be taken as an example. The Chairman of the Mission was empowered to represent, not his *Government*, but the "Cabinet and the "heads of the various Departments" at Ottawa. Similarly he was empowered to treat, not with the *Government* of the United States, but "with the heads of the Departments or "other administrative branches, Committees or Commissions, "or other officials of the Government of the United States."[2]

Such unworthy subterfuges could not stand for long. The announcement made in May, 1920, that at length an agreement had been reached with regard to the appointment of a Canadian Ambassador at Washington shows that the problem has been faced at last in a bold and statesmanlike way.[3] The Ambassador, Mr. Bonar Law announced, is to be appointed by the King "on the advice of his Canadian

[1] On this question, see *Report of the Machinery of Government Committee* set up by the Ministry of Reconstruction. (Cmd. 9230, 1918.)

[2] Quoted in *Round Table*, June, 1918.

[3] The material part of the statement made by Mr. Bonar Law in the House of Commons (*Hansard*, May 10, 1920) was as follows: "It has been agreed that his Majesty, on the advice of his Canadian "Ministers, shall appoint a Minister Plenipotentiary who will have "charge of Canadian affairs, and will be at all times the ordinary "channel of communication with the United States Government in "matters of purely Canadian concern, acting upon instructions from "and reporting direct to the Canadian Government. In the absence "of the Ambassador the Canadian Minister will take charge of the whole "Embassy and of the representation of Imperial as well as Canadian "interests. He will be accredited by his Majesty to the President with "the necessary powers for the purpose. This new arrangement will

" Ministers," is to have charge of " Canadian affairs," and is to be under the absolute control of the Canadian Government. Just as the British Ambassador remained in the past at all times responsible to the British Government even although Canadian business made up three-fourths of the work of the Embassy, so, it may be assumed, the absolute responsibility of the Canadian Ambassador to his Government will not be affected by the provision that in the absence of his colleague he " will take charge of the whole Embassy " and of the representation of Imperial as well as Canadian " interests."

This announcement marks a precedent of the utmost importance in the constitutional evolution of the British Empire from a single state into a group of equal states. It is a precedent which will in time be followed by all the Dominions.[1] As was emphasised both in the statement and in the subsequent debate in the Canadian House,[2] the new development does not necessarily involve any departure from " the principle of the diplomatic unity of the British Empire." It is essential to the smooth working of the system that the British and Dominion Ambassadors, or diplomatic agents, in a foreign capital should work together as a group—their separate establishments being perhaps grouped together in the same building—and that they should give each other information and assistance in every possible way. This would enable the various Foreign Offices to keep in touch with the diplomatic stages of questions which might ultimately come before them. In respect of group questions, the various embassies might make joint representations, or might act through the British Ambassador as a leader. Any dispute as to whether a particular question was a " group " or a " national " matter might be settled by reference back to the governments for a decision after consultation.

" not denote any departure either on the part of the British Govern-
" ment or of the Canadian Government from the principle of the
" diplomatic unity of the British Empire."

[1] The Australian Government has decided to appoint a High Commissioner in the United States. (*Times*, July 26, 1920.)

[2] *Hansard* (Canada), May 17, 1920, pp. 2525 ff.

Prior consultation before the taking of any diplomatic action is essential, not only in respect of important questions of high policy, but of *all* questions involving relations with other countries. When any member of the Group enters into diplomatic relations with a foreign country on any question whatsoever, or adopts any policy which touches the interests of a foreign country, it will take that action in the name of the common Crown; and this is really an indication that the action concerns the other members of the Group, because, even though apparently trivial at the outset, it may in the end involve grave consequences for them. It is easy to imagine cases where the failure to observe this rule with regard to prior consultation might precipitate a grave diplomatic crisis. Such a crisis might be caused if the diplomatic situation between the United Kingdom and France (say) were strained owing to disagreements arising out of their colonising activities in Africa, and if Australia (say), pursuing her separate trade policy without consultation with the Group and with little reference to the general international situation, suddenly intervened through her Ambassador in Paris with a threat of discrimination against French goods unless France removed certain restrictions on the import of Australian products. Even if separate diplomatic action of this kind, taken without consultation with other members of the Group, did not precipitate a grave crisis, it would probably offer an opportunity, dear to the heart of the diplomatist, of playing one member off against another.

The extent to which the Dominions will avail themselves of their right to establish embassies and legations of their own depends on the circumstances of each Dominion. It would be absurd for the Dominions to go to the expense of covering the world with a network of diplomatic and consular agents. Needless duplication of agents should be avoided by making the necessary arrangements with the United Kingdom to use British agents in the less important centres. But if they are to continue to make extensive use of the British services, they would be wise to insist that these should be more efficiently organised than they are at present,

and that the diplomatic service should cease to be what it still is to a large extent, the sacred preserve of the English governing classes.

The replacing of the present trade agents of Canada and Australia by duly accredited consular representatives, and an increase in the number of such representatives, would be a distinct advantage to these Dominions. However ready British Consuls may be to assist Dominion trade, it is obvious that where such trade reaches considerable dimensions, the British Consul, because of his lack of special knowledge of Dominion markets and products, is likely to be a poor substitute for a Dominion Consul.[1]

V. LEGISLATIVE EQUALITY

The task of securing the complete legislative equality and autonomy of the Dominions is not a very difficult one. It will be effected partly by judicial interpretation, based on the general declaration of constitutional right, and partly by the passing by the United Kingdom Parliament, at the request of the Dominions, of such legislation as may be needed to give them full powers in the few instances where they do not now possess such powers, and cannot secure them merely by the method of judicial interpretation. Legislation would be required, for example, to give Canada full powers to alter her constitution. A general declaration

[1] The attitude of the Dominions with regard to dependence on the services of British agents for commercial purposes was well brought out at the Imperial War Conferences. (*Proceedings* (1917), pp. 16–20 and 131–2; *ibid.* (1918), pp. 249–51.) The Dominion Ministers made it clear that they were not prepared to supersede their existing trade agents, nor to abandon in any way their right to send agents to any country, but that they would be glad to make use of the British Trade Commissioners in places where a Dominion was not directly represented, and that they desired close co-operation between the British and Dominion agents wherever possible.

of constitutional right would render completely obsolete the legal sovereignty of the British Parliament, and the legal power of the Imperial Government to control Dominion legislation by means of reservation and disallowance. By emptying them of all constitutional significance, it would make the formal abolition of these legal powers quite unnecessary; and, as I have already pointed out, they are for various reasons well worth preserving.[1]

An authoritative declaration that the United Kingdom no longer possesses the constitutional right to legislate for the Dominions without their consent, or to veto Dominion legislation, is essential as a means of making the real position of the Dominions clear to all peoples—both to those inside the Empire and to those outside it.[2] The need of such an authoritative declaration will have become very clear to anyone who has taken the trouble to glance through the Canadian and the South African Treaty Debates, and has studied the surprising (though perhaps somewhat wilful) misconceptions revealed there; or who has followed the discussions in the American Senate on the question of the relations of the Dominions to the United Kingdom.

The doctrine of legislative equality involves the abolition of the territorial limitation of Dominion legislation. The claim has recently been made by a leading authority on the Canadian Constitution that Canadian legislatures generally possess "the same power to bind their own subjects every-" "where as the Imperial Parliament has to bind British

[1] See above, section 2. Dr. Keith has, however, suggested the "*formal abrogation* of the supremacy of Imperial Legislation," and "the *formal abolition* of the royal veto over Dominion legislation," as the only means of making the doctrine of equality of status a reality. (Article in *Journal of the Society of Comparative Legislation*, April, 1919. Cf. *Imperial Unity*, pp. 143–52.) This is perhaps due to the fact that he does not seem to have recognised the possibility of securing complete equality of status by a method which does not involve the formal abolition of these legal powers—that is, by the adoption and development of the distinction between legal power and constitutional right, as the guiding principle of the settlement.

[2] The Australian Labour Party in 1918 added the following plank to its General Platform: "All Bills passed by Parliament to receive "assent on the advice of Australian Ministers."

" subjects everywhere " ; [1] and similar claims have been made by leading constitutional authorities in the other Dominions. Although these claims do not appear to be strictly valid, there is every reason why they should be made valid by the enactment by the British Parliament of specific legislation.[2] That the question is of some practical importance becomes clear when we consider the question of merchant shipping. Even in recent years the autonomy of Australia and New Zealand in the matter of merchant shipping legislation has been interfered with unnecessarily in two ways : (1) by the provision for the insertion of suspending clauses in such legislation ; (2) by the denial to the Dominions of the power possessed by every independent state to control the movements and the conditions of its own registered shipping in any part of the world, provided that this shipping is not engaged in the coasting trade of another state. Both these restrictions are unnecessary and should be removed.[3]

There are also certain limitations on the powers of the Dominions to amend their own constitutions, which will require to be removed. These limitations are not serious except in the case of Canada. It is obvious that the present position whereby the Canadian constitution cannot be altered, save in minor details, without calling on the Imperial Parliament, is thoroughly unsatisfactory, and will not be tolerated much longer by Canadian national feeling. At the same time the restriction can be removed only when the Dominion and the Provinces are able to agree upon some system whereby alterations can be made independently of the Imperial Parliament. Recent discussions show that such an agreement is already in sight.

[1] Lefroy : *Canadian Constitutional Law*, quoted by Keith, *J.S.C.L.*, April, 1919.

[2] The Canadian Government has recently proposed the Amendment of the British North America Act in such a way as to remove this territorial restriction. (*Times*, March 1, 1920.) As Dr. Keith has pointed out (*Times*, March 5, 1920), legislation of this character would require, if it is to be effective, the formal abandonment of the doctrine of the invalidity of Dominion laws on the ground of their repugnancy with United Kingdom laws.

[3] Cf. *Imperial Unity*, etc., p. 590, and Ch. X.

It has usually been assumed that the Dominions possessed the constitutional right of secession, and this assumption has not been seriously shaken by the recent denial by General Smuts of the constitutional right of South Africa to secede from the Empire.[1]

It has not generally been realised that this emphatic denial, which was repeated by General Smuts in his election addresses, was really little more than a clever debating point, which succeeded in exasperating the Nationalists, but did little to clear up the real issue. It amounted in the end to little more than a denial that any *legal right* of secession existed, a point which was hardly in dispute.

After drawing, in the earlier part of the debate, a clear distinction between legal power and constitutional right, making at the same time a declaration of legislative independence for South Africa, and after quoting the reply of Mr. Lloyd George to the Nationalist deputation to the effect that " As one of the Dominions of the British Commonwealth " the South African people control their own national destiny " in the fullest sense," General Smuts proceeded, quite illogically, to argue that secession would be " unconstitutional," and that the Crown still possessed the constitutional right to " veto a law for the secession of the Union from the Empire."[2]

The weakness of the argument from a constitutional point of view was not as obvious as it might have been, because, although couched in general terms, it was really aimed at the situation which would arise if the Nationalists, having gained a bare majority in the Union Parliament, proceeded to carry through an act of secession in defiance of the wishes of the English minority. The validity of a " constitutional right " of secession must of course depend upon the existence of a virtually unanimous demand. As an answer to the claim of a united South Africa, or of any other Dominion, that it

[1] Cf. the subsequent admission by Mr. Bonar Law in the Home Rule Debate (March 31, 1920) : " There is not a man in this House . . . " who would not admit that the connexion of the Dominions with the " Empire depends upon themselves. If the self-governing Dominions, " Australia, Canada, chose to-morrow to say, ' We will no longer make " ' a part of the British Empire,' we would not try to force them."

[2] Debate on Peace Treaty, *Cape Times*, September 13, 1919.

possessed the constitutional right to secede, the argument was worthless. Its worthlessness was shown very clearly three days later when the spokesman of the Government (Mr. De Wet), under pressure from General Hertzog, further defined the position. Assuming the contention of General Smuts that the status of South Africa was equal to that of the United Kingdom, General Hertzog argued that since the British people had a right to declare a Republic to-morrow, if they wished to do so, therefore South Africa had the same right. In reply, Mr. De Wet admitted that the people of the United Kingdom could declare a Republic to-morrow if they wished, but if they did so, it would be " unconstitutional "—it would be a " revolution." Now no authority on the British Constitution would dream of denying that the British Parliament, provided, of course, that it clearly represented the will of the people on this point, has the constitutional right to declare the United Kingdom a Republic. If the King's veto were overridden, this might be described, in a narrow sense of the word, as a " revolution," but the action itself could not rightly be called unconstitutional, although the King's exercise of the veto power would certainly be a violation of the constitution.

VI. JUDICIAL EQUALITY

The Judicial Committee of the Privy Council

The question of securing equality of nationhood with regard to judicial functions resolves itself into the question of the future of the Judicial Committee of the Privy Council, which is the sole remaining judicial bond between the Dominions and the United Kingdom. This body acts as the final Court of Appeal for appeals from all parts of the Empire outside the United Kingdom. Appeals from the United Kingdom go to the House of Lords. These two Courts of Appeal are practically identical in personnel, but act independently of each other.

The dissatisfaction felt by the Dominions with the working of the Judicial Committee of the Privy Council has given rise to movements of reform in the direction : (*a*) of giving the Dominions and India direct representation on this body, and (*b*) of creating a single Imperial Court of Appeal, which would supersede both the Judicial Committee and the House of Lords, and would hear appeals from every part of the Empire, including the United Kingdom. Some progress has been made in the first direction, but none in the second. But the latter has been made a practical issue by the passing of a resolution by the Imperial War Conference of 1918 calling upon the Imperial Government and the Dominion Governments to give prompt consideration to the question of creating a single Imperial Court of Appeal.[1]

The reasons given at the Conference by Mr. Hughes, the Prime Minister of Australia, for demanding the replacing of the present dual system by the constitution of a single Imperial Court of Appeal were : (*a*) that the Judicial Committee is inferior as a tribunal to the House of Lords ; (*b*) that the present system has worked very badly from the point of view of the Dominions, because although repeatedly called upon to deal with cases requiring an intimate knowledge of the Dominion constitutions and of the general conditions of life in the Dominions, the members of the Judicial Committee have, time after time, shown themselves to be lacking in this essential respect ; (*c*) that the establishment of an Imperial Court of Appeal is the only way of reconciling the Dominions to the continued existence of what is, in his opinion, a valuable bond of Empire. Mr. Hughes did not propose that the right of appeal should be enlarged beyond its present dimensions, but that all existing appeals should go to a new Court, in the constitution of which full recognition should be accorded to the equal status of the Dominions. Such a Court, being the only Court of Appeal for the whole Empire,

[1] As even the most cursory reading of the debate shows, this resolution was merely a colourless compromise, and in no way " approved " the establishment of an Imperial Court of Appeal, as is wrongly stated by the *War Cabinet Report* for 1918 (p. 13). For the debate see *Proceedings*, pp. 134–53 ; 202–8. For a history of the question see *Proceedings* of various Imperial Conferences, also Keith : *Imperial Unity*, Ch. 16.

would, he suggested, symbolise its unity more effectively than the existing dual system.[1] The resulting discussion showed that, while most of those present agreed with the diagnosis, few were prepared to accept the proposed remedy. Nor was this reluctance shown merely by Dominion Ministers. "The dislike of the English Bar to any change "affecting the constitution of the final Court of Appeal" [2] was reflected by the very half-hearted attitude of the Lord Chancellor towards the proposal.

The reason for this reluctance becomes clear when we study the attitude of the Dominions on the question of appeal to the Privy Council. In the last generation or so feeling has steadily hardened against the idea of appeals from the Dominions being dealt with by any external Court. The provisions of the successive Dominion constitutions with regard to appeals to the Judicial Committee are a good illustration of this tendency. The Canadian Constitution left the right of appeal with regard to all questions, including constitutional questions, practically untouched. The Australian Constitution sought to exclude the Judicial Committee of the Privy Council altogether, and after much discussion and negotiation in London, the delegates in charge of the Bill succeeded in securing a clause which, in practice, reserved constitutional questions for the High Court of Australia, and gave the Commonwealth Parliament power, under certain conditions, to pass legislation restricting the right of appeal in any other direction.[3] The South African Constitution went much further. It aimed at making the Supreme Court of South Africa the final Court of Appeal for the Union, and adopted provisions which practically abolished appeals to the Judicial Committee.[4]

The opinions expressed by the Dominion statesmen in the debate of 1918 show that this feeling against appeals to an external court is now stronger than ever in the Dominions. Mr. Hughes admitted that there was no demand in Australia

[1] *Proceedings*, pp. 135–52.
[2] Keith: *J.S.C.L.*, April, 1919.
[3] The Commonwealth Constitution Act, § 74.
[4] Keith: *Imperial Unity*, pp. 373–4.

for an Imperial Court of Appeal. "But," he said, "one "thing there is a strong demand for, and if a vote on it could "be taken, it would be carried overwhelmingly . . . that "there should be no appeal to the Privy Council or to any "Imperial Court of Appeal at all." [1] Sir Robert Borden expressed the view that the tendency in Canada "will be to "restrict appeals to the Privy Council rather than to increase "them"; and one of his colleagues pointed out that there was a growing opinion in Canada "that our own Courts should "be the final authority." [2] The only representative at the Conference that expressed himself as thoroughly satisfied with the working of the system was the representative of India.[3]

The only conclusion which it seems safe to draw from this evidence is that the Dominions will not consent to the creation of an Imperial Court of Appeal, and that Dominion appeals to the Judicial Committee are likely before long to cease altogether. There are weighty reasons for believing that such a development would be an advantage rather than a disaster.

In the first place it may be suggested that the value of the Judicial Committee, or even of an Imperial Court of Appeal, as a symbol of unity, and as a means of securing uniformity of laws, has been much over-emphasised. The words which the Australian delegates used in 1900 of the Privy Council, apply with almost as much force to an Imperial Court of Appeal:

"The consciousness of kinship, the consciousness of a "common blood and a common sense of duty, the pride of "their race and history, these are the links of Empire; bands "which attach, not bonds which chafe. When the Australian "fights for the Empire, he is inspired by those sentiments; "but no patriotism was ever inspired or sustained by any "thought of the Privy Council." Moreover, the idea that the pressure of an external court can bring about legal uniformity throughout the Empire seems to be based upon a misconception.[4] It assumes that the English common law

[1] *Proceedings*, pp. 151–2.
[2] *Ibid.*, pp. 143 and 151.
[3] *Ibid.*, p. 148.
[4] Cf. Pollard: *The Commonwealth at War*, Ch. XVI. Professor Pollard's implied analogy between the unification of England by "the

is still the active factor in law making throughout the Empire. Dr. Keith has disposed effectively of this misconception. "The English common law," he says, "is so far from alive "in most parts of the Empire where it is now in part embodied "in statutes, in part changed by legislation, that the function "of the Privy Council in maintaining uniformity of law is "not to be taken very seriously." [1] The granting of Responsible Government meant in fact the giving up of the idea of securing uniformity of law by means of the action of a central court of appeal. It meant that for the future the laws of each group of Colonies would be moulded more and more by the free action of its legislatures.

So far as there is at present uniformity of law in the British Group of States it is due, not so much to the activities of the Privy Council as an external unifying agent, as to the fact that the various legislatures and courts in developing the common stock of legal ideas have worked more or less on parallel lines. The gradual narrowing of the jurisdiction of the Privy Council, and the consequent decline of its unifying power, has been marked by a steady increase of the practice adopted by the legislators and courts of the Group of studying, profiting by, and frequently adopting, each other's legislative enactments and legal decisions. Uniformity of law is, of course, highly desirable in many directions, especially with regard to commercial and social legislation, but the most effective means of securing it is by the development of methods

"hammering out in the Courts of a common English law" and the unification of the Empire through the activities of the Privy Council is not very convincing. Parts of the Empire, such as India, have, no doubt, been unified to a large extent by the imposition over the whole country of a single legal system. Moreover, the absence of free legislatures in the dependent portions of the Empire has made it possible to secure a large degree of legal uniformity in those portions; but with the introduction of Responsible Government this uniformity will at once begin to disappear—despite the Privy Council. The argument breaks down completely when it is applied to the Dominions, where free and independent law making bodies exist.

[1] *Imperial Unity*, p. 379. It should be remembered that even the existence for more than a century of a single legislature and a single final court of appeal for the United Kingdom has not succeeded in securing uniformity of law for England, Scotland, and Ireland.

already adopted—though in a very partial and half-hearted way—by the British Commonwealth. These methods are (1) direct conference between the leaders of the bodies responsible for law making, and (2) the pooling of legislative, administrative and judicial experience.

In the next place it is impossible to feel that the Dominions would not be a great deal better off, and certainly a good deal more content, if they resolved to settle finally for themselves all the questions which now go to the Privy Council for decision. These questions fall into three groups :[1] (*a*) constitutional questions ; (*b*) questions involving a special knowledge of Dominion conditions ; (*c*) general questions which involve no special knowledge of Dominion conditions. There is no reason why questions of the third class should not be dealt with as effectively by the Supreme or High Courts of the Dominions as by the Judicial Committee. The reasons for settling in the Dominion questions of the first two classes are much stronger. There is no doubt of the strong feeling in Australia and Canada that only an Australian or Canadian Court should be entrusted with the great power of moulding the national life which is involved in the power to interpret a federal constitution. Mr. Hughes expressed an opinion which is generally held in Australia when he asserted that the Judicial Committee "has not proved a satisfactory tribunal" in relation to its decisions on the Commonwealth Constitution—a constitution which, it must be remembered, was largely based on the American model. He pointed out that amongst all the eminent Judges on the Committee there was not "a single "man who is intimately familiar with this Constitutional document. . . ."[2] The record of the Judicial Committee with regard to the Canadian Constitution appears to have been little better.[3] It is obvious that lack of familiarity with the actual working of the Dominion Constitutions makes mere book knowledge of them of little practical value. It will

[1] Cf. Ewart : *An Imperial Court of Appeal* (1918), p. 2.

[2] *Proceedings*, p. 137. A number of instances of unsatisfactory decisions are given.

[3] Cf. the examples collected by Ewart, *op. cit.*, pp. 9–13.

hardly be disputed by anyone who is familiar with the actual working of any of the Dominion federal systems that the only body to whom their interpretation can safely be entrusted is the Supreme Court or the High Court of the Dominion. The same difficulty of the lack of an intimate knowledge of local conditions makes a Dominion Court a more suitable body than the Judicial Committee to deal with the second class of questions. It is no doubt true that the difficulty of intimate contact with Dominion conditions would be to a certain extent overcome by the creation of a representative Imperial Court of Appeal, which by working in divisions could visit each Dominion for a certain period each year to decide Dominion appeals.[1] But there is little doubt that the people of the Dominions would regard such a perambulatory Court of Appeal as a quite unnecessary interference with their autonomy in judicial matters, as a bond which chafed rather than a band which attached.

It is useless to ignore the widespread feeling amongst the working classes of the Dominions that the complication and the expense of the modern judicial system tells heavily in favour of the rich litigant as against the poor. This feeling applies especially to the right of appeal to the Privy Council. The delay and tremendous expense involved in an appeal to this distant body, though a source of some satisfaction to the lawyer, puts the individual or the association with limited means at an intolerable disadvantage, when compared with the wealthy individual or the wealthy corporation. Moreover, there is possibly some little ground for the suspicion sometimes expressed in Australia and Canada that the right of appeal to the Privy Council may work unduly in favour of what the Sydney *Bulletin* used to call " John Bull Cohen," that is to say, the English monied interest. There is at any rate a certain amount of evidence that it is partly in the interests of the English investor that the British Government has fought so tenaciously to preserve the right of appeal to the Privy

[1] This has been suggested by Lord Haldane, and has the support of Dr. Keith : *Imperial Unity*, pp. 384–388. The latter even goes so far as to suggest that the Dominion Supreme or High Courts should surrender " their merely appellate jurisdiction " to the new body.

Council. Mr. Chamberlain quite plainly told the delegates in charge of the Australian Commonwealth Bill that the British Government felt it was its duty to look at the question of appeal "from the point of view of the very large class of "persons interested in Australian securities or Australian "undertakings who are domiciled in the United Kingdom." [1] There is little doubt that one of the principal motives which induced the Australian Labour Party in 1918 to add to its General Platform the new clause: "The Australian High "Court to be the final Court of Appeal" was the desire to secure for the Australian people greater equality in matters of justice, and to enable them to exercise a firmer control over the absentee capitalist.

The conclusion of the argument seems to be that the British Commonwealth neither needs nor desires a central Court of Appeal, and that the Dominions should take steps to secure, as part of their constitutional independence, full power to abolish appeals to the Privy Council, or to limit them out of existence. Even if appeal to the Privy Council disappeared so far as the Dominions were concerned, it would still remain for India and those dependent portions of the Empire, which remain under the control of the United Kingdom; though even here the jurisdiction of the Privy Council would be threatened by the growth of Responsible Government.

Machinery of Arbitration

But the British Commonwealth has certain positive needs which this merely negative conclusion would leave unsatisfied. In the first place it needs some regular machinery of arbitration to deal with such disputes between the various members of the Group as are of a justiciable nature, and are provided for in the ordinary treaties of arbitration between foreign countries. A permanent Court of Arbitration of this

[1] Quoted by Ewart, *op. cit.*, p. 26.

kind would be open, like the Permanent Court of International Justice to be established under the League of Nations, to cases brought by States, and not to cases brought by individuals ; but each State would have the right to make the case of one of its nationals its own case before the Court. The functions of a Court of Arbitration might be performed either by a completely remodelled Judicial Committee of the Privy Council having as permanent and available members eminent judges from all the Dominions, or possibly by " a special " Committee which might consist, in part, of high legal " officials, and in part of statesmen chosen from the United " Kingdom and the Dominions."[1]

Uniformity of Legislation

In the second place the Empire needs far greater uniformity of legislation with regard to such matters as naturalisation, copyright, migration, shipping, and the numerous other questions in which the interdependence of modern communities makes uniformity necessary. Such uniformity can only be obtained by a large extension of the method already adopted—that is, conference between legislatures, and the framing by the Imperial Conference, or an " Imperial Assembly," of Bills which may be adopted at will by the respective legislatures.

[1] Keith : *Imperial Unity*, pp. 165–6 ; cf. also p. 388. Dr. Keith suggests that the scope of such a court should be confined " to definite " complaints by one Dominion against another, or by the United " Kingdom against a Dominion, or vice versa, of injury inflicted upon " a British subject belonging to one part of the Empire in some other, " under circumstances which, in international law, would afford a cause " of claim for damages. The institution of such a form of procedure " would only be another recognition of the obvious fact that the " position of the self-governing Dominions tends in an ever-increasing " degree to be assimilated to that of foreign states, while the choice " of tribunal would be a sign of the other essential fact, the real unity " of the Empire." (*Ibid.*, p. 166.)

The Pooling of Legislative, Administrative and Judicial Experience

The third, and perhaps the greatest, need of the British Commonwealth is the pooling of legislative, administrative and judicial experience. There are, in this Society of States, a vast number of legislatures, administrative departments and courts, all occupied with much the same problems. It is obvious that their work would be considerably lightened, that much time might be saved and many mistakes avoided, if they had some effective means of pooling all the knowledge and experience gained by each legislature, administrative department and court, so that this could be shared by all the others. Already, preparatory to the enactment of legislation dealing with particular problems, steps are frequently taken both by the United Kingdom and the Dominions to ascertain what has been done to deal with similar problems in various parts of the Empire and in other countries. The recent Machinery of Government Committee has emphasised "the "duty of investigation and thought as preliminary to "action. . . . It appears to us that adequate provision has "not been made in the past for the organised acquisition of "facts and information and for the systematic application "of thought as preliminary to the settlement of policy and "its subsequent administration."[1] They recommend, therefore, the development of an Intelligence staff as part of the equipment of each administrative Department. Besides conducting special inquiries into matters affecting the business of the Department, and maintaining a Departmental Library, the Committee recommend that the staff should undertake "the continuous study of the methods of administration "prevailing in regard to the same subject matter in other "parts of the United Kingdom (where a separate system of "administration prevails), in the Empire, and in foreign "countries."[2] It has recently been suggested that much overlapping and duplication would be saved if the legal

[1] (Cmd. 9230), p. 6.
[2] *Ibid.*, p. 25.

research work of these various departmental staffs were done by some central co-ordinating body whose business it would be (1) to organise legal research work; (2) to maintain a central law library which would make available to the Departments and to bona fide students Statutes, Ordnances, Law Reports, and other material, contributed gratuitously by each part of the Empire; (3) to disseminate the results of legal research work.[1]

These recommendations and this suggestion, though intended to apply to, or to serve the needs of, the United Kingdom, obviously apply also to the Dominions. Each Dominion requires departmental Intelligence staffs and probably some central co-ordination of this Intelligence work, at least on the side of legal research. Each Dominion requires also, just as much as the United Kingdom, a central Law Library containing the statutes, law reports and other material, all supplied gratuitously by each part of the Empire, and containing also similar material from the United States and the chief foreign countries.

But there is a great deal in the way of gathering and co-ordinating information with regard to the legislative, administrative and judicial experience of the whole Empire, which could be done much more effectively by some central joint legal information bureau, acting on behalf of the whole Empire, than by each member of the Group attempting to do this difficult and costly work on its own behalf, and without reference to the similar work being done by the other members.

The only body which has done effective work in gathering and co-ordinating information is the Society of Comparative Legislation, which was founded in 1894 "with the object "of promoting knowledge of the course of legislation in "different countries, more particularly in the several parts "of Her Majesty's Dominions, and in the United States."[2]

[1] Art. on "Imperial Unity and Legal Research," by C. E. A. Bedwell, in *Journal of the Society of Comparative Legislation*, January, 1920. Mr. Bedwell has further developed the Imperial and international aspects in an article in the *Yale Law Journal*, March, 1920.

[2] See an article by Sir Courtenay Ilbert, one of the founders of the Society, in *United Empire*, July, 1915.

The original intention of the Society to establish branches throughout the Empire does not seem to have been carried out,[1] but its membership includes "Government Departments "and Libraries in all the Dominions, India and the Crown "Colonies, State and University Libraries in the United "States, Chambers of Commerce and voluntary organisations "at home, besides individual subscribers, by no means "confined to the legal profession, in all parts of the world."[2] Its main activity has been the publication of its invaluable quarterly *Journal*, and its annual review of legislation, which make available the more important part of the information which the Society gathers. But it is probable that the task of gathering and systematising the necessary information is so complex and expensive that it is beyond the strength of any voluntary society, however energetic and public spirited. What the situation seems to demand, therefore, is the creation of a joint Imperial Legal Information Bureau to do the kind of work now done by the Society of Comparative Legislation, but on a much more extensive scale. It is possible that this Society might form the basis of the new Bureau, which in any case would need to work in close conjunction with any central co-ordinating body for legal research established for the United Kingdom.[3]

VII. THE COLONIAL OFFICE

The great emphasis laid by Dominion statesmen at the Imperial War Conference of 1918 on the principle of equality of status, and their references to the Colonial Office, have made it abundantly clear that the time has come, either for the abolition of that office in its present form, or at least

[1] One branch survives in the Bahamas.

[2] *J.S.C.L.*, January, 1920.

[3] The Empire Parliamentary Association has just begun to publish a regular *Journal of the Parliaments of the Empire*, which will be a valuable record of legislation throughout the Empire.

for its complete reorganisation. Mr. Hughes, the Prime Minister of Australia, described it as an anachronism, and demanded its abolition and the transfer of its functions (which he described as "merely those of an unnecessary "conduit pipe") to the British Prime Minister.[1]

The resulting discussion showed that the functions of the Colonial Office were necessary and valuable, but that it was hardly in accord with the new status of the Dominions that these functions should be performed by an office which actually governed dependencies like Nigeria and Hong Kong. One of the values of the debate was that it helped to scatter some of the mist of prejudice which has surrounded the Colonial Office, and to reveal it as an Office performing very useful functions. It has not always been realised in the Dominions, that since the Colonial Secretary ceased, with the grant of Responsible Government, to act as an administrative official towards the Dominions, he has not been merely a useless and irritating anachronism, but has in fact been performing *foreign office functions* with regard to them, which have been of great value. His work has been to carry on diplomatic negotiations with the new nations, and to co-ordinate the relations of the various members of the British Group of States with the Mother Country and with one another. Just as the various Government Departments which come into contact with foreign states work through the Foreign Office, as a kind of clearing-house of foreign relations, so the Colonial Office acts as a clearing-house and an agent for all the Departments—the Admiralty, the War Office, the Board of Trade, the Foreign Office, the India Office, the Ministry of Munitions, and so forth—which have relations with the Dominions. It is obvious that these co-ordinating functions will still have to be carried out in the future, though the necessity for them may be somewhat diminished by the development of machinery for direct negotiation between heads of Departments.

The practical question which will have to be decided is: By what Department should these co-ordinating functions be performed? One thing seems clear. Dominion public

[1] Debate on "Channels of Communication," pp. 155–65.

opinion will demand that Dominion relations with the United Kingdom should no longer be dealt with by an office which continues to bear the unpopular name of the Colonial Office. We have Dr. Keith's authority for saying that, if the Dominions really wish it, there should not be " the slightest " difficulty about the division of the Colonial Office."[1] If this division is made, two courses are open: (1) The Dominions Department of the Colonial Office may be made a separate department, called perhaps the Department of Imperial (or Dominion) Affairs, and presided over by a new Minister, the Secretary of State for Imperial Affairs; or (2) the Dominions Department may be placed either directly or indirectly under the control of one of the existing British Ministries.

The proposal which has hitherto found most favour with Dominion statesmen, from the time of the Imperial Conference of 1911, when it was first brought forward, is that the Dominions Department should be placed under the control of the British Prime Minister. The discussions which took place in 1918 seem finally to have discredited this proposal. The burden of work on the shoulders of the Prime Minister is already so tremendous—greater than any one man can bear satisfactorily—that the transference of the Dominions Department to his " care " would simply mean in practice taking it away from a responsible Minister (the Colonial Secretary) and handing it over to a few irresponsible officials. It is probably the perception of this fact which has led to the recent suggestion that the Dominions Department should be placed under the charge of the Lord President of the (Privy) Council. Although this Minister is without normal departmental duties, he already has charge of the Department of Scientific and Industrial Research (which is becoming a co-ordinating body for the Empire), and also of the Imperial Mineral Resources Bureau, one of the most important of the

[1] *Imperial Unity*, p. 565. " . . . The status of the Dominions," Dr. Keith adds, " is doubtless lowered in the eyes of thoughtful people " by their being linked in the same office with the Crown Colonies." Lord Milner, as Secretary of State for the Colonies, has on several occasions expressed similar views (e.g., *Speech*, April 10, 1919).

inter-Imperial joint bodies.[1] Either this suggestion or the proposal for a new Department of Imperial Affairs would meet the difficulty. There would be nothing to prevent the continuance of the practice adopted in 1918 whereby Dominion Prime Ministers are allowed to send communications on questions of "cabinet importance" direct to the British Prime Minister.

The Governor-General as Viceroy

Whatever happens to the Colonial Office, it is clear that the present practice whereby the Governor-General is appointed by, and is responsible to, the Colonial Office must be discontinued. It was suggested by the Australian Prime Minister at the Imperial War Conference of 1918 that he should be "appointed by, and responsible to, the Prime Minister's "office."[2] It is hardly likely that the Dominions will tolerate such appointments unless they are made in consultation with the Dominion Governments, or even on their nomination, Dominion subjects being perhaps made eligible for nomination.[3] Moreover, it was intimated at the debate in 1918 that formal recognition must be given to the fact that in practice the position of the Governor-General is now that of a Viceroy. As General Smuts has said recently, the Governor-General "should be the representative of the King and nothing else."[4] This may involve a change of name. It will certainly involve a strict recognition of the rule that the Governor-General should act in all cases, even the most trivial, as a constitutional monarch, that is, solely upon the advice and responsibility of his Ministers.

[1] The present holder of the office also represents the U.K. on the Council of the League.

[2] *Proceedings*, pp. 156–60.

[3] Cf. the official announcement by the Government of Victoria of the strong feeling in Australia that "in future, in place of a Governor "being sent from England the office might be occupied by an Australian "Lieutenant-Governor." (*Times*, July 11, 1919.)

[4] *Times*, June 26, 1920.

The changes involved in the strict recognition of this rule go deeper than is generally realised. The Governor-General is at present the representative of the British Government as well as of the King—that is, he combines the functions of an ambassador as well as those of a viceroy. He acts as a channel of communication between the British and the Dominion Governments, keeping the former in touch with and representing its wishes to the latter. Hence the spectacle of a Governor-General dutifully accepting the policy of his constitutional advisers, whilst at the same time writing hurried despatches to the British Government informing them of the policy, and perhaps suggesting that they should bring pressure to bear to secure its modification in certain particulars where it may affect British interests. What the situation clearly demands is that the Governor-General should be shorn of his ambassadorial functions, and that these should be transferred to a British High Commissioner accredited to the Dominion Government as the diplomatic representative of the United Kingdom.

VIII. CONCLUSION

It is impossible to answer in an already overgrown chapter the criticisms which are likely to be raised against these proposals. Some of the more important of the criticisms are dealt with in the succeeding chapter, but a word or two must be said here.

In answer to the question, "Will the system work?" it may be pointed out that it has already been working—in an incomplete form since the development of the Dominions into federal states, and in a much more comp'ete form from 1917 to the present time. The proposals made amount to little more in the end than a rationalisation of the existing system and a reshaping of it to meet the new conditions.

The solution proposed may not be perfectly logical, but the claim may at least be made for it that it is more logical and coherent than any solution yet proposed, which takes

account of the existing political and social conditions in the British Commonwealth, and at the same time makes an honest attempt to face the real difficulties of the problem of inter-Imperial relations. The solution has been devised not to meet a situation which may arise a hundred years hence, but to provide for a situation which exists at present, and is likely to remain substantially unchanged for at least a generation or more—a situation of which the three pivotal points are: (1) that Imperial Federation under existing social and political conditions is impracticable and undesirable, (2) that formal disruption is equally undesirable, (3) that the demand of the Dominions for equal status and partnership is justified and must be met. The aim of this chapter has been to link up these points in the simplest possible figure.

CHAPTER X

THE MACHINERY OF CO-OPERATION

I. THE PURPOSE OF THE MACHINERY

THE principles governing the future development of the machinery of co-operation required by the British Commonwealth were laid down in the latter part of the Constitutional Resolution of 1917. After emphasising that the readjustment of the constitutional relations of Great Britain and the Dominions should be based on a recognition of the principle of equality of nationhood in foreign affairs (as in all other matters), the resolution declares that this readjustment should provide "effective arrangements for "continuous consultation in all important matters of common "Imperial concern, and for such necessary concerted action, "founded on consultation, as the several Governments may "determine."

The key-phrase in this quotation is "continuous consulta-"tion." To this it is necessary to add the word "cabinet," because the experience of the last thirty years has shown that nothing less than continuous cabinet consultation will meet the requirements of the situation. The success of the machinery of co-operation established by the British Commonwealth during this period was due to the discovery that the only satisfactory method of securing concert between Governments is by means of direct personal conference between the leading members of those Governments. If we accept the principle that in the last resort the separate Governments shall retain power to decide whether they will or will not co-operate in any given matter, it is hard to escape the conclusion that the interposition between the Governments

of any body, not an integral part of them, which is charged with important political functions, but is unable to carry out any decision it may tentatively arrive at save through the Governments, will inevitably result in friction and deadlock. Such an interposed body can only take one of two forms. It might be an elected body—a body, that is, likely to challenge the authority of the Governments by setting its mandate against theirs. Or it might be a Council of Diplomatic Agents (for example, the present High Commissioners). But it is unthinkable that any return should be made by the British Commonwealth to the diplomatic method which it partially abandoned when it established the quadrennial Imperial Conference, and which, during the latter years of the War, it almost entirely superseded by the use of the method of direct conference between Cabinet Ministers. In the future, therefore, we may assume that the continuous consultation between the Governments spoken of in the Resolution of 1917 will be by means of direct personal conferences between Ministers of the Cabinets concerned.

But it must not be taken too readily for granted that the peoples of the Dominions, or even their Governments, realise the supreme necessity of making consultation both *continuous* and *personal*. Apparently not even the events of the war and of the first year of peace have been sufficient to drive home this necessity. Continuous personal consultation between the Governments, which was in operation during the making of peace with Germany, that is, till about the autumn of 1919, has since then been abandoned, its place being taken by the unsatisfactory method of communication by mail and cable. The serious consequences of this abandonment have not been generally realised in the Dominions. In the framing of the Peace Treaty with Germany the Dominion Governments took full part, but they took no direct part in the later stages of the negotiations which led to the Peace Treaties with Austria, with Bulgaria, and with Turkey.[1] Here,

[1] Since these words were written, Mr. Rowell has replied thus to a similar criticism in the Canadian House during the debate on the Treaty with Bulgaria: "... The principal terms of the Treaty were settled " while the Prime Minister and his colleagues were in England, although

although they missed most of the substance of equality, they were careful to observe its forms. They attached their signatures to these treaties, submitted them to their Parliaments for approval, and advised their ratification by the Crown. By these acts they pledged themselves to accept full responsibility for international agreements in which there may be sown the seeds of future wars involving the Dominions as members of the British Group, but in the making of which the Dominions took no active share.

Once more, therefore, under the pleasant mask of a new formal status of equality, the old status of dependence has been raising its head. The peoples of the Dominions are being committed by the British Government, as in the past, to important international agreements by which they are bound, but in the making of which they have taken no real part. In the light of these recent events, the consequence of the abandonment of the practice of continuous consultation is plain. Continuous consultation is absolutely essential to the full realisation of the principle of equality of status. Unless the Dominions are represented by Dominion Ministers in a frequently meeting conference of Governments, unless Ministers representing all the Cabinets of the Group meet whenever necessary to decide the line of action to be taken by the Leader of the Group in the Council of the League of Nations—the Dominions will in fact become mere dependencies, not only in the British Empire, but also in the League of Nations. Equality of status is a giant's robe which cannot be filled without constant effort on the part of the Dominions. The main effort required now is the provision of means for *continuous personal cabinet consultation* between their Governments and the Government of the United Kingdom.

The question whether or not the British peoples have political machinery to enable them if the need arises to speak at once and with one voice, is not an academic question. If that machinery had existed in 1914, and the will expressed in the first week of August could have been voiced a few days

" the final form and execution were delayed pending the completion " of negotiations for the German and Austrian Treaties." *Hansard*, LV, p. 522.

earlier, war might have been averted. On the question whether in some one week in the future it is possible to speak together and in time, may hang the decision as to whether or not the East is to follow the West into the melting pot, perhaps bringing about the final collapse of human civilisation.

Before we can determine the exact form which the machinery of co-operation should take, it is necessary to re-state briefly the purpose for which it will exist. Its purpose will be to enable the peoples of the British Commonwealth to approach as closely as possible to their ideal of the good life—that is, the life which makes possible the fullest development of human personality. The machinery must be based upon a recognition of the fact that interdependence is now the dominating factor in modern civilisation, and that even the most trivial issues of domestic policy have become also issues of foreign policy. It will therefore be designed to enable the peoples of the British Commonwealth to order and control their internal and external relationships in such a way as to secure the maximum possible advantage and the minimum possible disadvantage from this factor of interdependence. The machinery will not exist primarily for "high" policy" and defence; because these, however important, must be regarded, not as primary, but as secondary matters. Defence implies something to defend: the flares which we call high policy spring from the ordinary stuff of international relations. The machinery will therefore be concerned first with this complex of everyday relationships. Hence, the conferences of Cabinets must be regarded as primarily conferences between the Ministers most concerned with relationships of this character, and not as primarily conferences between the Foreign Secretaries of the Group and the Ministers who control its Armies, Navies, and Air-forces, together with a few Prime Ministers and Finance Ministers thrown in to keep up appearances and to provide the necessary funds.

This latter conception is not uncommon, but it is dangerous and mischievous: it is the conception of the Imperialist who regards the Empire as mainly an association of states for mutual self-aggrandisement, instead of as an organisation whose sole justification in the last resort is its value as a

means of developing human personality. This is not to say that co-operation in defence and foreign policy (in the conventional sense of the term) is not of great importance and will not provide many difficult problems for solution. It is merely that these matters must be regarded, not as things in themselves, but as the consequences of other and more important things—that the British Commonwealth must be regarded, not as existing primarily to cure the diseases of international society (though this will be one of its functions), but to make that society healthy and capable of resisting those diseases.[1]

It is clear that in order to fulfil adequately this broad general purpose the British Commonwealth will require :[2]

(1) An Imperial Conference which shall meet frequently, shall be attended by the Prime Ministers (or other leading Ministers) of the respective Cabinets, for the purpose of dealing with the more important and more general questions of policy, and shall be equipped with a permanent Secretariat composed of officials appointed by the respective Governments.

(2) Regular Subsidiary Conferences between the Ministers responsible for particular functions of government, e.g., Public Health or Education (or between experts nominated by these Ministers), for the purpose of discussing questions of policy immediately relating to the execution of these functions.

(3) A system of joint bodies or bureaux, manned by civil servants or experts appointed by the various Governments of the Group—for the collection of information and the pooling of the knowledge and experience of the whole Empire on particular questions or functions of government ; for research ; for the co-ordination of policy, and for the undertaking of definite pieces of inter-Imperial administrative work.

(4) A network of voluntary associations of various kinds linking up the peoples of the Group and dealing with the numerous functions—political, social and economic—lying outside the normal range of governmental action.

(5) As a means of focusing public opinion and of exerting

[1] See on this question Ch. VI, § 7.

[2] See Diagram on p. 328.

a measure of popular control over these bodies—as a means, that is, of preventing the Imperial Conference becoming a more or less irresponsible oligarchy, and the new inter-Imperial civil service an irresponsible bureaucracy—the British Commonwealth will require a representative Imperial Assembly, preferably an Assembly composed of delegations from the Parliaments of the Group, a Conference of Parliaments to balance the Conference of Governments.

II. THE IMPERIAL CONFERENCE[1]

The fact that the various states of the British Commonwealth are so widely separated by distance, makes it impossible for the Prime Ministers to attend very frequent meetings of the Imperial Conference. It was decided in 1917 that the "Imperial Cabinet" should meet at least once annually; and for the purpose of filling in the gap between the plenary meetings the expedient of Resident (or Visiting) Ministers was agreed upon in the following year. These Ministers, it was decided, should represent their respective Prime Ministers "at meetings of the Imperial War Cabinet to be "held regularly between the plenary sessions."[2] This expedient—which unfortunately has not yet been put successfully into operation [3]—was the outcome of more than ten

[1] The term "Imperial Conference" has been adopted here as a more appropriate description of a conference of Ministers from different Cabinets than the term "Imperial Cabinet." The latter term is objected to in the Dominions as implying a policy of centralisation. "A cabinet implies a single state with a single policy; a conference "implies distinct and independent bodies."—Professor O. D. Skelton, in an article published by the Canadian Council of Agriculture (the Farmers' Party).

[2] Cf. above, Ch. VII, pp. 175-9.

[3] For a year from the summer of 1919 the Dominions were content to be represented by officials and telegrams. The Minister sent by Australia (Mr. Watt) in 1920 resigned. The opportunity of combining the offices of Cabinet Minister and High Commissioner in the person of Sir James Allen (N.Z.) was lost. Hence the ludicrous spectacle of the revived "British Empire Delegation" (in June, 1920), consisting of a crowd of British Ministers, whilst the Dominions were "repre-"sented" by two High Commissioners (Canada and N.Z.).

years' discussion as to the best method of securing continuous consultation during the interval between the meetings of the Prime Ministers ; and no better means has yet been suggested of bridging the gap between the Conferences. It may therefore be assumed that the expedient of the Resident Minister will be adopted as a regular part of the machinery of co-operation.

The whole question of the frequency of the attendance of the Prime Ministers at the Imperial Conference is fluid. Although at present biennial visits may be all that is possible for the Prime Ministers from the more distant Dominions, the extremely rapid expansion of transport facilities by sea, and above all by air, may soon make it possible for them to come once a year or even more often. It is not too much to say that the successful crossing of the Atlantic by aeroplane and by air-ship, and the successful consummation of the flight to Australia, bring very close the time when the Dominion Ministers attending Imperial Conferences from Australia and New Zealand will travel more safely and comfortably by airship than they do now by sea, and will occupy only a fraction of the five or six weeks of valuable time which the journey at present consumes. Even if the airship is left out of account, there is little doubt that by utilising the new transcontinental railway, and by employing a vessel specially designed for the purpose, the time taken to travel from Melbourne to London could be considerably reduced. Speed gained in these ways will cost money, but the cost will be as nothing compared to the moral and material advantages which the Dominions will gain by the successful assertion of their rightful places in the councils of the British Commonwealth and of the League of Nations.

On the side of communications, as well as on the side of transport, it is likely that in the near future the conditions of international government by the method of cabinet conferences will be revolutionised. The Atlantic has already been bridged by means of the wireless telephone, and the day is probably not far distant when the Prime Ministers of Australia and New Zealand will be able from their own capitals to hold lengthy conversations with the British Prime Minister, to

listen to the proceedings of the Imperial Conference, and even to take some part in its deliberations. Improved cable services, and the cutting down from weeks to a few days, by means of aeroplane and airship, of the time taken to transport mails, will make it possible to place in the hands of the Dominion Cabinets, in time to make them effective, all the necessary papers and memoranda which now form the indispensable basis of any serious discussion either in the modern business world or in the world of politics and of government. Modern government is so complex that it has become, in a sense, government by memorandum.

But although the amazing developments of modern science make rather unsafe any speculations as to the exact course which future developments of international government will take, there is little reason to expect that any scientific inventions will render unnecessary that personal and living contact of one man with another, and with the communities in which each moves, upon which the successful conduct of political discussion so largely depends. There is thus no visible means of escape from the requirement that one or more of the leading Ministers of each Dominion Cabinet must be constantly present in London to enable the Cabinets of the Empire to confer regularly and frequently.

In order to make the expedient of the Resident or Visiting Minister a success, certain requirements must be fulfilled. In the first place the work to be done is of such importance that no mediocre man should be given the position. In the second place there are the difficulties surrounding the relationship between the Resident Minister and the Government and people which he represents. Will he get out of touch with, or out of the control of, his Cabinet? Will he get out of touch with public opinion in his own country? In answer to this question of keeping touch, what has already been said about the development of transport and communication should be borne in mind. The fact that the whole success of his work will depend upon keeping in the closest contact with his Cabinet, without which in the last resort he can do nothing, should remove much danger of conflict between the Resident Minister and his own Government. On the other

hand, if the Minister is to be of any value, he must be given a reasonably free hand by his Cabinet. There is an obvious expedient which would make possible the frequent renewal by a Resident Minister of personal contact with Cabinet, with Parliament, and with people—that is the adoption of an interchange system whereby in the case of the more distant Dominions the position of Resident Minister might be held in turn by two or three of the leading members of the Ministry.

The ordinary requirements of an important Ministerial Office of this character make it essential that there should be established by each Dominion in London a Resident Minister's Department. Such a Department would help to maintain continuity and would assist the Resident Minister in the fulfilment of his varied functions. Since each Resident Minister would probably be required on various occasions to represent most of the Federal Departments in his Dominion, it would be desirable that he should have upon his staff, as advisers, an expert from each of these Departments.

A Dominion may not require a High Commissioner as well as a Resident Minister. It is possible that the other Dominions will follow the precedent of Canada in combining the functions of Resident Minister and High Commissioner.[1] It cannot be said that the office of High Commissioner has been a complete success. The main reason for this is that an attempt has been made to combine in a single official the functions of Resident Minister and of Ambassador. These dual functions might be performed by a Resident Minister, but not by a mere official. The fact that the High Commissioners have been usually eminent ex-Cabinet Ministers, often ex-Prime Ministers, belonging sometimes to a political party different from that of the government in power, has made them not altogether suitable persons to represent their governments on important political issues. In fact, the Dominion Governments have always shown conspicuous

[1] Sir George Perley resigned his position in the Canadian Cabinet in 1918—thereby ceasing to have further access to the confidential papers of the British Cabinet.

reluctance to entrust the more important political functions to their High Commissioners. The present High Commissioners' Offices—which are already large organisations, extending in the case of Australia to more than twenty departments—might form the basis of the Resident Ministers' Departments. The political and the commercial functions might perhaps be divided, each being supervised by a permanent Under-Secretary, who, in the case of the latter, should be an expert business man. Several of the Dominion Governments have already recognised the desirability of maintaining a regular interchange of staff between their London Offices and their home civil services, but the policy should be put into effective operation.

A word must now be said about the organisation of these conferences of governments. The Plenary Conferences attended by Prime Ministers should take place if possible once a year, or at the very least once every eighteen months or two years. The regular meetings between the plenary sessions should take place once every two or three weeks. They would be attended by the British Prime Minister and such other of his colleagues as might be required to deal with the particular questions under consideration. On the side of the Dominions they would be attended by Resident and Visiting Ministers from the Dominion Cabinets. The procedure adopted should be substantially that of the pre-war Imperial Conferences. But the meetings would be of a more informal character, the discussions not being necessarily published *verbatim* as was done usually, though by no means always where foreign affairs were concerned, in the old Imperial Conference. Adequate publicity would however be essential to the working of the system.[1]

For the purpose of dealing with foreign affairs more frequent meetings would be desirable. A Foreign Affairs Committee of the Imperial Conference might therefore be established, which might meet once or twice a week under the presidency of the British Foreign Secretary. So long as the Dominions rely partly or wholly on the British Foreign Services, their Ministers in London and their Ministers for External Affairs

[1] Cf. p. 315.

should have circulated to them telegrams from British Ambassadors abroad and other Foreign Office papers—just as the Dominion Prime Ministers received such papers during the sittings of the Imperial War Cabinet. The Committee of Imperial Defence, though mainly a United Kingdom body parallel to the Defence Committees (or "Councils") established in all the Dominions save New Zealand, might on occasion be utilised as a Defence Committee of the Imperial Conference.

The Secretariat of the Imperial Conference should be entirely independent both of the Colonial Office and of the secretariat of the British Cabinet. It should be a joint body composed of officials appointed and paid by, and ultimately responsible to, their respective Governments.[1] If possible the joint Secretariat should be housed in a single building.

From the point of the effective working of the Imperial Conference, there is one other matter which, though a domestic question of the United Kingdom, vitally concerns the Dominions—that is the question of devolution. The present House of Commons—performing as it does work which in any other state of the Group would be done by at least five or six legislatures—has been long recognised to be so hopelessly over-burdened with work that it is unable to give Imperial and international questions the attention which these deserve. The same is also true of the British Cabinet. This fact necessarily impairs the value of the Imperial Conference. The question of devolution, or of the federalisation of the United Kingdom, is therefore a matter of the most urgent importance, not merely to the British people, but also to the Dominions and the other parts of the Empire.

The Position of India

The position of India in relation to the Imperial Conference will be governed by the developments of the latter years of the war. Both in the Imperial War Cabinet and in

[1] The beginnings of a joint Secretariat were visible during the war, the staffs of the Dominion Prime Ministers forming a joint Secretariat with the Secretariat of the British War Cabinet.

the Imperial War Conferences of 1917 and 1918 India was represented by Indian Representatives nominated by the Government of India. The Imperial War Conference of 1917 passed a resolution (No. VII) recording the view that India should be fully represented at all future Imperial Conferences. Also, in the statement made in the House by Mr. Lloyd George (May 17, 1917) with regard to the holding of an annual plenary conference of Governments, which he called "an Imperial "Cabinet," provision was made for the attendance of "a "representative of the Indian people to be appointed by the "Government of India."

These developments were, of course, a recognition of the fact that India is now well on the road to the status of a self-governing nation in the Empire. But it is clear that while this self-government remains imperfect—while, that is, India remains a dependency of the United Kingdom in important matters, such as defence, foreign policy, and important aspects of international relations—her representation in a council or conference of self-governing nations will be anomalous, and may give rise to difficulties. To give her a vote when such questions are being considered, may mean in practice merely duplicating the British vote. India's power to vote might be restricted to matters which are now, or may come in the future, within her control, and in respect of which she would be free to exercise an independent vote. But seeing that the period of transition to complete self-government is not likely to be very long, and that voting power is not really a vital question in a conference of this character, it would perhaps be best not to restrict the voting power of her representative. In matters in respect of which India did not possess an independent voice, the vote of her representative—if he chose to exercise it—might not be regarded as having much weight.

The recognition of the right of India to a place in the Imperial Conference is a mark of her special position and circumstances. No other portion of the Empire (Egypt is in a special position) can yet be said to have advanced sufficiently towards self-government to have any good claim to recognition as a member of the Conference. For the

present therefore these portions must continue to be represented by the Secretary of State for the Colonies. More direct representatives could be called in to present the point of view of particular dependencies, or of definite groups of dependencies (such as the West African group) when matters specially affecting their interests were being discussed.

III. (*a*) SUBSIDIARY CONFERENCES; (*b*) JOINT BODIES FOR ADMINISTRATION AND RESEARCH; (*c*) AND INTER-IMPERIAL VOLUNTARY ASSOCIATIONS

It is obvious that the Resident Ministers cannot act upon all occasions for all the Dominion Ministries which will require to come into personal contact with each other and with the corresponding Ministry in the United Kingdom. It is, therefore, desirable that there should be a large extension of the practice already adopted on a number of occasions of holding Subsidiary Conferences between the Ministers throughout the Group charged with particular functions of government, or between civil servants or experts nominated by these Ministers to act as their official representatives. Reference has already been made to the Resolution passed by the Conference of 1907 making provision for the holding of such Subsidiary Conferences, for the purpose of dealing with matters of importance which require immediate attention, or with questions of a minor character or such as call for detailed consideration.[1]

Before the passing of this resolution there had already been held a Subsidiary Conference on the question of Judicial Appeals in 1901, and one on Merchant Shipping Laws in 1907. In accordance with the resolution, Conferences were held in 1909 on Defence, in 1910 on Copyright, and in 1911 a Surveyors' Conference met. The most recent examples of Subsidiary Conferences—all held in 1920—are the Conference of Statisticians, the Imperial Entomological Conference, and the Imperial Forestry Conference.[2] It should be remembered

[1] *Ante*, Ch. V, Sec. VI.

[2] The Imperial War Conference of 1918 also provided for a Subsidiary Conference on Nationality and Naturalisation to be held after the War.

that in the Dominions many of the functions of government which require international action are in the hands, not of the federal bodies, but of the Provinces or "States." It is obvious that such functions require to be dealt with by occasional or regular conferences between the Provincial or "State" Ministers, or their representatives. One of the most important of these provincial or "state" functions is education. In 1907, an Education Conference was convened by the League of the Empire, and although unofficial was attended by representatives of Education Departments in many parts of the Empire. It was decided that in future a regular quadrennial Education Conference should be held which should be official in character, and should be attended by representatives of the Education Departments throughout the Empire. In accordance with this resolution, an official Subsidiary Conference on Education met in 1911.[1]

Although neither statesmen nor publicists have yet called atttention to these developments in any systematic way, they are clearly of great importance. It is obvious that the Subsidiary Conference is already performing important functions, and that the use of this expedient is likely to be extended largely in the future. These functions may be roughly summed up as follows: (1) Subsidiary Conferences—either occasional or regular—may meet with the object of arriving at a common policy with regard to some function of government, or of unifying national laws or administrative practice with regard to this function; or (2) they may meet for the purpose of discussing questions of common interest, with a view to pooling knowledge or experience as to the best methods of dealing with particular functions of government. Experience has shown that in most cases the Subsidiary Conference requires to be supplemented by the creation of permanent organisations, or bureaux, composed of experts nominated by each national (or provincial) Department, and financed on some proportionate basis agreed upon in Conference. Each Bureau thus

[1] Jebb: *Imperial Conference*, Vol. II, pp. 66–67. An Imperial Education Conference was convened by the Chief of the Imperial General Staff in June, 1919.

established would carry out the general policy laid down by the Conference, and would naturally be placed under its general supervision. The Conference at its periodical meetings would deal with the questions of policy thrown up by the Bureau in the course of its normal work.[1]

(*b*) INTER-IMPERIAL JOINT BODIES FOR ADMINISTRATION AND RESEARCH

It has not been generally realised that in addition to deliberative and quasi-executive organs such as the Imperial Conference, or the "Imperial Cabinet," and in addition also to the occasional or regular Subsidiary Conferences just mentioned, the British Empire has built up in the last two decades a whole framework of minor inter-Imperial joint bodies of various kinds. The joint bodies established in connection with the function of defence (the Imperial General Staff and the Committee of Imperial Defence) have already been mentioned. In addition to these there were established before the War: the Imperial Institute, (1888); the Pacific Cable Board (1902); the Imperial Bureau of Entomology (1909); and the Dominions Royal Commission (1912). During and since the War the following additional joint bodies have been established: the Imperial Mineral Resources Bureau (1917–18) (for the collection and distribution of information, the co-ordination of effort, and the advising of the Governments with regard to the mineral resources of the Empire); the Imperial Bureau of Mycology (1918) (performing the same functions with regard to the fungoid diseases of plants as the Bureau of Entomology performs with regard to insect pests—that is, making and circulating a periodical *Review* of the current literature of the world, publishing a *Bulletin of Entomological Research*, doing research work, sending out research expeditions, training entomologists, and

[1] Cf. the relationship between the recent Imperial Entomological Conference—which is to meet periodically—and its permanent Bureau. Similar developments are taking place in connexion with Statistics, Forestry, Shipping, and (probably) Education and Agriculture. See Diagram, p. 328.

advising the Governments); and the Imperial Statistical Bureau.[1]

To these might be added the Department of Scientific and Industrial Research which, though mainly established to act as a clearing-house of information and to co-ordinate scientific research for the United Kingdom, works in the closest touch with similar Departments now established in all the Dominions and India, and has made provision that the representatives of these Departments may sit on the Advisory Council of the British Department whenever they visit London. Its activities thus represent "the beginnings "of a system of co-ordination of the research work done "in different parts of the Empire."[2] Amongst other joint bodies which have been officially approved or suggested are: An Imperial Development Board (to collect information and to advise with regard to the development of resources, trade, communications, etc.); an Imperial Investigation Board (to supervise the operations of Steamship Companies, and to inquire and advise with regard to the development of ocean transport, harbours, docks, etc.);[3] an Imperial Forestry Bureau; an Imperial Bureau of Agricultural Information; an Imperial Education Bureau; and an Imperial Bureau of Legal Information.

It is difficult to over-estimate the significance of these remarkable developments. Though in themselves they may

[1] See Diagram, p. 328. The Central Emigration Authority established by the United Kingdom in 1918, though not technically a joint body, is advised by a consultative Council composed of Dominion Representatives. Cf. the Joint Advisory Committee of Commercial Intelligence established in 1900 to advise the Board of Trade on the work of its Commercial Intelligence Branch. Many of the joint bodies mentioned above were suggested by the Dominions Royal Commission (1912–17), and information with regard to their functions, constitution, etc., is to be found: (1) in the *Final Report* of this Commission [Cd. 8462], 1917; (2) in the *Proceedings* of the Imperial War Conferences of 1917 [Cd. 8566] and 1918 [Cd. 9177]. Cf. also *The Report of the Imperial Education Conference*, June, 1919.

[2] Sir F. Heath, Secretary of the Department: *Report Imperial Education Conference* (1919), p. 45.

[3] A temporary joint body along these lines has been established under the name of the Imperial Shipping Committee. (*Times*, June 18, 1920.)

seem of no great importance, they are the beginnings of a complex organisation which will be of the utmost value, not merely to the British Empire, but also to the League of Nations. It is obvious that they are the forerunners of a vast network of similar bodies which will make possible inter-Imperial co-operation on a gigantic scale for the development of the political, social and economic life of the peoples of the British Empire. Their significance for the League of Nations lies in the fact that the British Empire is already becoming a pioneer of internationalism—a vast laboratory of international government.[1]

Certain characteristics of these joint bodies must be noted. They fall very roughly into two main types: (1) administrative bodies, e.g., Pacific Cable Board and the Imperial War Graves Commission; (2) bodies for the collection and dissemination of information, or for research and the co-ordination of research throughout the Empire. Some of these joint bodies are permanent, others of a temporary nature, taking the form of temporary Royal Commissions, or of temporary committees. With regard to their membership, they are composed of representatives of the governments of the Group, and many of them cover, not merely the self-governing portions of the Empire, but also India, and the Crown Colonies and dependencies. In respect of finance, the practice adopted varies. In most cases the Governments contribute in fixed proportions, but in some cases the amount of contribution is not definitely fixed. It is important to notice that in connection with these bodies a habit of proportionate expenditure is being built up which is likely to have an important influence on the question of joint expenditure with regard to defence. No uniform rule appears to have been adopted with regard to the relationship of the joint bodies to the Governments, except, of course, that they are all in varying degrees subject to the control of those Governments. Some of the bodies exist by virtue of a charter issued by the Crown, and within the terms of this charter are completely independent (e.g., The Imperial War Graves Commission); but even in these cases each

[1] See below, Ch. XI, Sec. 4, pp. 359–61.

Government ultimately controls the representative which it sends to the joint body. Others, composed largely of experts, are under the immediate direction of some British Minister such as the Colonial Secretary or the Lord President of the (Privy) Council. Others again are intended to be under the direction of the Imperial Conference or of a regular Subsidiary Conference.

It is thus clear that these joint bodies have been established, not in accordance with any preconceived plan, but rather to meet particular needs as they arose. There is no evidence of any carefully thought out idea as to the precise relationship of the joint bodies to the general organs of conference established by the Group. Some such idea, however, appears vaguely in the *Final Report* of the Dominions Royal Commission, especially in the suggestions made by that body for the constitution of an Imperial Development Board. The intention is, apparently, that this Board, which will be a permanent body, should co-ordinate most of the joint bodies which have been, or are to be, established by the Group, these joint bodies being regarded as temporary or permanent Committees of the Board.[1] The Board itself was to be under the supreme direction of the Imperial Conference.

This suggestion has not so far been acted upon, and there seem to be good reasons why it should not be adopted. It makes no provision for bringing the various joint bodies into organic relationship with the national departments of government, of which they are the international counterparts; that is, it leaves no room for the expedient of the Subsidiary Conference. It is not sufficient that there should be merely consultation in the Imperial Conference between one or two of the leading Ministers of each national or federal Government. It is essential that there should be also occasional or regular personal conferences between the Ministers charged with each particular function of government. As already pointed out, this is all the more important in view of the fact that many of the Departments are provincial or "state," and therefore cannot be adequately represented by the national or federal Ministers in the Imperial

[1] *Final Report*, pp. 163, 151, etc.

Conference. Such Subsidiary Conferences will in some cases establish their own permanent bureaux, or will supervise existing permanent bureaux, each of which would thus be brought into organic relationship with the Ministers and Departments immediately concerned with the particular international relationship with which it is dealing. One of the functions of each Conference would then be to deal with the residue of questions of policy which the Bureau (not being a political body) would not be competent to solve.[1] During the intervals between the sessions of the Subsidiary Conferences the joint bodies might be under the general supervision of the Secretariat of the Imperial Conference which would co-ordinate their various activities. The ultimate authority and control would lie (except perhaps in the case of provincial functions) with the Imperial Conference itself.[2]

(*c*) INTER-IMPERIAL VOLUNTARY ASSOCIATIONS

As in the case of the joint bodies just described, the number and importance of the voluntary associations which link up the peoples of the Empire has not been generally realised; in fact, no serious attempt appears to have been made so far to study and classify these associations, or to estimate

[1] Compare the general organisation of some of the inter-allied joint bodies built up during the war, especially the Allied Maritime Transport Council. This Council was composed of two Ministers concerned with maritime transport from each of the Great Powers, and its work was to co-ordinate the policy and action of the Powers in this matter. It worked through an organisation of experts made up of four sections drawn from the respective national departments and presided over by the head of the British Section. The business of the Council itself was to settle the residue of questions of high policy thrown up by the body of experts, and to advise the various Governments. The whole organisation was linked up with the Supreme War Council and other joint bodies (1) through the circulation of its Minutes and Reports; (2) by a system of liaison officers. (*War Cabinet Report* (1918), pp. 22–24.)

[2] Cf. Art. XXIV of *The Covenant of the League* which gives to the Council and the Secretariat the general supervision over all international bureaux placed under the direction of the League.

their significance, or even to make a complete list of them.[1] The attention of students of the problem of government in the British Empire has been centred almost exclusively upon the more important governmental organs such as the Imperial Conference. And yet no account of these organs can be satisfactory which does not regard them as merely the warp of a fabric, the woof of which is made up of a large number of voluntary associations of various kinds—some of them semi-official, being partly maintained by Government grants; others independent, but recognised as playing very definite and important parts in the common life of the Group—performing, that is, functions which are essential to that life, but which lie beyond the scope of ordinary governmental action.

It is only when we study these associations that we can realise the real nature of this Society of Peoples. These associations are, indeed, the fine flower of the group life, a sign of what this fellowship means in human terms. They, and not the major governmental organs, are the measure of the strength of feeling and the community of interests which bind the peoples of the Group together. They are also the greatest assurance of the permanence of the Group as one of the most important factors in human life, because they are the creation, and partly the creators, of the strongest bond of Empire—the human tie. Just as the joint bodies referred to above reveal the British Empire as a laboratory of international government, so these voluntary associations reveal the Empire as a pioneer in the development of the spiritual and cultural relationships of the world's peoples.

It is only possible here to mention a few of the more important of these associations, and to group them roughly into types. The first, and perhaps the most important group comprises the associations whose chief object is to promote Imperial unity, such, for example, as the Royal Colonial

[1] For details of some of the more important of these associations, see Appendix I. The appointment early in 1920, of a Foreign Office Committee to study the operation of such associations in foreign countries, with a view to co-ordinating and extending their efforts, is a hopeful sign that their importance is beginning to be recognised. (For *Report* of Committee, see *Parliamentary Paper* [Cmd. 672], 1920).

Institute, the Overseas Club and Patriotic League, the Victoria League, and a number of others. The associations in this group are the fruit of the common feeling uniting the peoples of the British Commonwealth, and of their desire to maintain and increase their intimacy. The aims of most of these associations are to bring together all people in the various parts of the Empire who are interested in Imperial unity; to provide centres throughout the Empire where they may meet for the purpose of social life and for the discussion of Imperial problems; and to carry on educational campaigns in the schools and universities of the Empire, and in the large centres of population, by means of lectures, the circulation of literature, the holding of prize essay competitions, and so forth. In these, and in a variety of other ways, the associations of this group perform educational and social functions which, with one or two possible exceptions, are of the most valuable character.

A second group of associations are those with cultural and educational functions, such as the Workers' Educational Association (a body with flourishing autonomous daughter associations in each self-governing part of the Empire), the British Association, the English Association, the Universities Bureau of the British Empire, and many others.

Professional Associations form a further group. Doctors (e.g., the British Medical Association) journalists, teachers, surveyors, architects, various trade unions (such as the Amalgamated Society of Engineers, which has autonomous "branches" and members in every part of the Empire) and other professional associations have developed important inter-Imperial organisations.

Another important group might be called the economic group. It is composed, not merely of financial, commercial, and industrial bodies organised inter-imperially, but also of special associations, such as the Federation of British Industries, the British Empire Producers' Organisation, the Empire Resources Development Committee, the British Commonwealth Union, and others, which bring together individual manufacturers and firms, commercial and financial corporations, and individuals throughout the Empire,

interested in the development of its trade and industry, and especially in the development of its raw materials. Most of these are exceedingly powerful organisations and reveal a strong tendency of capital throughout the Empire to organise inter-imperially rather than internationally.[1]

Amongst other inter-Imperial associations, which are difficult to group, but are of sufficient importance to be mentioned individually, are the Empire Parliamentary Association (see pp. 308–9), the Society of Comparative Legislation (see pp. 273–4), the Empire Press Union, and the Anti-Slavery and Aborigines Protection Society (see p. 364 and Appendix.)

It is interesting to notice that, on the whole, the relationship between the British and the Dominion branches of these various types of associations is roughly the same as the relationship existing between the United Kingdom and the Dominions themselves. Although a very close connexion exists, in most cases, between the branches of the various associations in each unit of the Group, there has been singularly little attempt to establish any kind of central executive and legislative body with coercive powers ; in the great majority of cases the Dominion branches are autonomous. Inter-Imperial voluntary associations, like the British Commonwealth itself, have discovered that in practice the principles of freedom and co-operation offer the most effective basis for their common action. The methods which have been adopted for the purpose of securing a common policy have been in the main the methods of personal conferences between the various autonomous units of an association, or of consultation by means of telegraph and post office. In this connection may be mentioned one of the most important features which is characteristic of these associations, that is, the circulation throughout the Empire of their official organs and other publications. Some of these organs have a very large and extensive circulation, and they serve not merely to link together the members and branches of their respective associations, but they also play an important part in linking

[1] On the question of inter-Imperial Labour Organisation, see Appendix I.

together the various peoples of the Empire and in building up a unified public opinion on Imperial questions.

IV. CO-OPERATION IN DEFENCE

The question of co-operation in defence offers certain difficulties which require examination. It may be assumed that co-operation in military defence will continue to be based on the principles which have proved so successful during the War. These were: (1) the principle of national control of defence forces; (2) the principle of co-operation between the various national Defence Ministries and General Staffs through the medium of the Imperial Conference and the Imperial General Staff, with the object of securing uniformity of equipment, organisation and training. As before, there will be provision for unity of command in the event of the members of the Group agreeing to join together in waging war.[1] The operation of this principle of unity of command would no more make the Dominions dependencies of the United Kingdom than the giving of supreme command on the Western Front to Marshal Foch made the British Empire and the United States dependencies of France.[2]

The question of the future organisation of naval defence

[1] It is important to notice that during the later stages of the War the Canadian Forces (presumably those of Australia too), were only under the jurisdiction of Great Britain in France for the purposes of military operations. "For matters of military operations the Canadian "Forces in the Field have been placed by the Canadian Government "under the Commander-in-Chief, British Armies in France. For "matters of organisation and administration, the Canadian Government "will retain its full responsibility regarding its Forces. Matters of "organisation and administration frequently have a direct bearing "on military operations and discipline, and vice versa, and it is, there-"fore, considered that where they have such bearing these matters "should be made the subject of conference between the Canadian "Authorities and the G.H.Q." (Agreement between the Canadian Government and the War Office. Quoted in Canadian *Hansard*, Vol. LIV, p. 131.)

[2] The type of closer co-operation which is likely in the future is indicated in several of the resolutions of the Imperial War Conference of 1917. (*Proceedings*, pp. 4–6).

has been the subject of some discussion during the last three years. By a resolution of the Conference of 1917, the British Admiralty were requested to work out what they considered "the most effective scheme of Naval Defence for the Empire "for the consideration of the several Governments."[1]

In 1918 the Admiralty circulated to the Dominion Governments a scheme which showed that they had not yet given up their old hope of a centralised navy. They proposed the establishment of a common Imperial fleet administered by a single naval authority on which the Dominions would be represented. The Dominion Prime Ministers promptly retorted with a counter-memorandum rejecting the scheme of the Admiralty for "a single navy at all times under a "central control," and insisting that there should be no departure from the principle of Dominion navies. They fully recognised the necessity of adopting, in respect of the naval forces of the Group, the principle of co-ordination with regard to the character of construction, armament and equipment, and the methods and principles of training, administration and organisation. They desired also that there should be a frequent interchange of officers. Despite several discussions in the Imperial War Cabinet, the Dominion Prime Ministers insisted upon adhering to this policy, and the Admiralty had to be content to accept the proposal that Lord Jellicoe should visit the Dominions to advise their Governments as to the best means of organising their respective navies, and of co-ordinating them with a view to their possible combination (in the event of a decision to wage a joint war) in a joint fleet composed of units of British and Dominion navies under unified control. There is not the shadow of a doubt that the attitude of the Dominion Prime Ministers on this point is supported by an overwhelming body of opinion in each Dominion. The Canadian and New Zealand Governments have now definitely abandoned the contributory policy which they favoured before the War—Canada as a temporary emergency policy, New Zealand as a more permanent policy.[2]

[1] *Ibid.*

[2] Cf. Debate on the whole question in the Canadian House, June 14, 1920.

Lord Jellicoe's report to the Australian Commonwealth on the sea defence of Australia[1] is a good example of the reconciliation of the principle of national control with the equally vital principle of the concentration of joint forces. His proposal is that the United Kingdom, Australia, New Zealand, India and Canada should combine to maintain a joint fleet in the Pacific. The separate units would in peace time be under the control of their respective Governments, but would be co-ordinated and would co-operate closely with a view to their effective combination in a joint fleet in the event of the respective Governments deciding to wage a joint war. The proposed method of securing unity of direction in war is worth notice. The general direction of operations would be delegated by the Admiralty to a Flag Officer of high rank permanently stationed with an efficient staff at Singapore. Subject to the decision of the respective Governments, the Commander in Chief afloat and the Flag Officers commanding the various units would come under the command of this Officer in war, and for fleet exercises. The Dominion navies would not, of course, be under his control in peace, but he would visit the Dominions and would be kept close in touch by the various admiralties.

The suggestion made in the report with regard to the respective shares of the Dominions and the United Kingdom in the naval defence of the Empire raises the important question of finance. Lord Jellicoe estimates these shares, on the basis of population and sea-borne trade, at 74.12 per cent for the United Kingdom ; 7.74 for Australia ; 2.02 for New Zealand ; 12.30 for Canada ; and 3.82 for South Africa. Whether this particular apportionment is accepted or not, there seems no specific reason why the Imperial Conference, having framed the general naval defence policy of the Group, should not proceed to draw up the estimates and to apportion the cost according to the financial capacity of each state in the Group. The problem of international government is much too complex to expect any very precise adjustment of share to capacity ; but it should be possible to secure a rough estimate of financial capacity which would be readily

[1] *Times*, December 12, 1919.

accepted by each state. It would probably be best to leave the task of estimating the capacity of each state in the hands of its statistical or revenue department, provision being made for frequent consultation between the heads of these departments throughout the Empire, with a view to conducting the inquiry as far as possible on uniform lines. The quota assigned to each state might be referred to it in the form of a recommendation from the Imperial Conference that, as its share of naval defence, it should spend so much, and in such a way. Each state would, of course, have full power to accept, modify, or reject the quota proposed for it, and would be free to find the money in any way it saw fit.

There is remarkable unanimity throughout the Empire amongst statesmen and thinkers, even including, perhaps, the majority of professed federalists[1] against any proposal to set up a central body with power to levy taxes on the Dominions or on the United Kingdom. The proviso in the 1917 Resolution that "all the existing powers of self-government" should be thoroughly preserved, entirely rules out any proposal to set up a central body with powers of taxation. At the same time there is not much fear that the recommendation with regard to expenditure on defence of an Imperial Conference containing the Prime Ministers of each of the states would be seriously modified by any member of the Group. It is interesting to note that at the Conference of 1917, even a professed federalist like Sir Joseph Ward, representing the most imperialistic of all the Dominions (New Zealand), spoke vehemently against the idea of giving any central authority the power to impose taxation on the Dominions, and expressed the opinion that the principle of co-operation would succeed "beyond all doubt" in the matter of finance.[2]

[1] Cf. the speech of Sir Joseph Ward at the Imperial War Conference of 1917. (*Proceedings*, p. 58, etc.)

[2] *Ibid.* Cf. the similar views of the New Zealand Premier, Mr. Massey, on p. 44. Cf. also Lord Milner's speech at the Empire Parliamentary Association, July 28, 1916.

V. AN IMPERIAL ASSEMBLY OF PARLIAMENTARY DELEGATIONS

The Autocracy of the Imperial Conference

When the machinery which has so far been described is compared with the machinery of the League of Nations, it is at once obvious that there is nobody corresponding to the Assembly of the League. Without such an Assembly—and a far more satisfactory Assembly than is provided for in the Covenant of the League—the peoples of the British Commonwealth are not likely to look with a very kindly eye upon the machinery of Cabinet Conferences and joint administrative bodies of officials which is now being developed. Even during the war there was a notable tendency in the Dominions and in the United Kingdom to describe the Imperial War Cabinet as an irresponsible junta of Ministers, who worked in secrecy, and settled the affairs of the British Commonwealth over the heads of its Parliaments. In England the strong pre-war tendency towards the autocracy of the Cabinet, and its emancipation from the control of the House of Commons, has been greatly exaggerated by the events of the War. Even in 1904 a well-known authority on the constitution could write: "We are almost as much at the mercy of two "men (the Prime Minister and the Foreign Secretary) as far "as foreign policy is concerned, as if we were the inhabitants "of a Continental monarchy, where foreign offices are per-"sonally directed by a quasi autocratic Emperor and a "Chancellor not responsible to Parliament."[1] The development of a permanent Imperial Conference will undoubtedly increase the power of the Cabinets throughout the Empire; and if no step is taken to increase correspondingly the powers of the Parliaments of the Group, parliamentary control over the executives, and especially the control of the House of Commons over the British Cabinet, is likely to be seriously weakened.

Nothing could be more calculated than this to undermine

[1] Low: *The Governance of England.*

the confidence of the peoples in the Imperial Conference. The Imperial War Cabinet (which was the Imperial Conference adapted to war conditions) was almost completely out of touch with the people of the Dominions, so much so that they hardly realised its value and importance. It sat in secret, and only the barest summary of its discussions reached even the newspapers. More serious still, from the point of view of the smooth working of the machinery of co-operation, will be the lack of any close connection between the Imperial Conference and the Dominion Parliaments. The only real chance they will have of getting any full account of its work is from the reports made by the Prime Ministers upon their return—which may be months after the fair is over. How serious this defect is, will be realised when we remember that upon the ready acceptance by the national Parliaments of the decisions arrived at tentatively in the Imperial Conference, the successful working of the whole system will depend.

Moreover, there is the further difficulty that the gradual development in the Empire of a system of international administration (as shown in the joint bodies for administration and research already referred to) is creating a new bureaucracy. Although this new bureaucracy will play an extremely important part in the government of the peoples of the Empire, it will from the nature of its position be far more exempt from popular control, and even from ministerial control, than the present civil services of each state of the Group.

A Conference of Parliaments

It seems clear that the only effective way of strengthening popular control over the more or less oligarchical Imperial Conference, and over the new bureaucracy which is being created, is to set up some wider representative body which will act in relation to the Conference of Ministers, as a sort of Imperial Assembly. The creation of some such body has

been frequently suggested by prominent statesmen and publicists.[1]

With regard to the composition of such an Assembly, two main suggestions have been made: (*a*) that it should be composed of representatives directly elected by the peoples of the different states in the Group; (*b*) that it should be composed of delegations from the different Parliaments; or, in other words, that it should be a Conference of Parliaments, and thus complementary to the Conference of Governments. The first suggestion has some advantages over the second, especially the advantage that it would bring the electors into closer touch with Imperial issues. But it involves an insuperable difficulty. Being a body separate and different from the national Parliaments, and deriving its authority directly from the people, there is every possibility that it might set itself up as a rival to those Parliaments. In any case the interposition of such a body between the central Conference of Governments and the national Parliaments would be far more likely to create friction than to remove it. For these reasons the method of constituting an Imperial Assembly by direct election has met with little support in England, and less in the Dominions.

The only method which has the least chance of acceptance is the second—that of parliamentary delegations. This method has indeed already been put into partial operation by a voluntary body, the Empire Parliamentary Association. This Association has a branch in each parliament, which is presided over by the two Speakers and is composed in each case of practically the whole of the members of both Houses. The Association is the only direct link at present existing between the Parliaments. It aims at bringing together as frequently as possible the members of the Parliaments of the Empire, either individually or in organised conferences. Important conferences attended by elected delegations from each Dominion, and varying in size according to the importance of the Dominion, were held in 1916, and at the

[1] See Articles in the *Nineteenth Century*, by Mr. Herbert Samuel, March, 1917, and by Mr. Sydney Low, August, 1917. Cf. also Sir Frederick Pollock, *Quarterly Review*, January, 1918.

inception of the Association in 1911. Similar conferences, to be held in one or two of the Dominions, in India, and perhaps in the United Kingdom, are contemplated for 1920–21.[1] It is clear, therefore, that the Empire Parliamentary Association has already laid the foundations of a regular Conference of Parliaments. And even if immediate steps are not taken to create an official Conference of this character, the conferences arranged by the Association are likely in time to create an equally effective though unofficial substitute.

Since one of the objects of creating an Imperial Assembly would be to bring every important party in each Parliament into close touch with Imperial affairs, each delegation should be elected by a system of proportional representation. There are good reasons for not insisting that the numbers of each delegation should be in exact proportion to the size of the population which it represents, but if the votes of the Assembly are to have much weight with the United Kingdom and the larger Dominions, the number of votes allotted to each Delegation should bear some relation to population. Equality of statehood being recognised in the Imperial Conference, preponderance of population might receive some consideration in the Imperial Assembly. Since the votes of the Assembly would not be formally binding on any State, there should not be much objection to this course. The Assembly should meet as often as, and at the same time as, the plenary meetings of the Imperial Conference. It is quite possible that it might be found necessary to supplement the plenary sessions of the Assembly by making provision for a small Standing Committee, including one or more members of each Parliament,

[1] As a means of keeping the Parliaments in touch with each other and of assisting in the solution of common problems, the Association has just begun to publish a regular *Journal of the Parliaments of the Empire*, containing a summary of the proceedings in each Parliament. The United Kingdom Branch of the Association also aims at keeping Members of Parliament in the Dominions fully informed on Foreign Affairs, and for this purpose sends to each Dominion Member of the Association a Monthly Report on Foreign Affairs. At the same time a Monthly Report on Dominion Affairs is issued to Members of the Association in the Home Parliament.

which might meet several times a year. Such a Committee would not only help to maintain continuity between the plenary sessions, but would also help to keep each Parliament in close touch with developments.

Foreign Affairs Committees in Conference

The setting up of a Foreign Affairs Committee in the House of Commons has frequently been suggested as a means of re-establishing Parliamentary control in this matter.[1] It has recently been suggested by the Machinery of Government Committee that the efficiency of the whole public service "would be improved if steps were taken to secure the con- "tinuous and well-informed interest of a Parliamentary "body in the execution by each Department of the policy "which Parliament has laid down." The Committee therefore suggests the appointment of "a series of Standing "Committees," and proceeds to define their functions as follows: "Any such Committee would require to be furnished "with full information as to the course of administration "pursued by the Departments with which they were con- "cerned, and for this purpose it would be requisite that "Ministers, as well as Officers of Departments, should appear "before them to explain and defend the acts for which they "were responsible."[2] These words apply with greater force to the Foreign Office than perhaps to any other Department; and they apply as much to the Dominion Parliaments as to the House of Commons. The general ignorance of foreign affairs, and lack of interest in foreign policy, which has so often been deplored in England is far greater in the Dominions than in the Mother Country. In the past the Dominions have felt in a vague way that they had little concern in international affairs, but they have learned to their bitter cost that a sudden turn in foreign policy may dig the graves

[1] Cf. Low, *op. cit.*, p. 303.

[2] *Report of the Machinery of Government Committee* (Cd. 9230), 1918, p. 15.

of thousands of their best, and they are becoming anxious now to study and to understand foreign affairs. The setting up of a Foreign Affairs Committee in each Dominion Parliament would be one of the best means of arousing an intelligent interest amongst the people, and of enabling their Parliament to exercise an effective control over the Foreign Secretary responsible to it, and to insist upon the abolition of the worst features of secret diplomacy.[1]

The Imperial Assembly would be occupied with much more than foreign policy, in the narrower sense of the term ; and it would therefore be a grave mistake to make it a mere gathering of the various Standing Committees on Foreign Affairs. It should be rather a gathering of those members of each Parliament most closely in touch with the more important aspects of everyday international relationships. If, as is suggested by the Machinery of Government Committee for the United Kingdom, each Parliament proceeds to establish a series of Standing Committees, the delegation to the Imperial Assembly might be composed of the leading members of these Committees. It would be of the greatest value if questions which were to be discussed in the Imperial Assembly or in the Imperial Conference, could be referred in the first place to the appropriate Committees in each Parliament for preliminary investigation.

But whether this development takes place or not, it would obviously be of great value if at least the leading members of such Standing Committees on Foreign Affairs as may be set up were included in the Delegations from the respective Parliaments. This would be specially important in the case of any Dominion which preferred to continue to carry out its foreign policy through the British Foreign Office instead of setting up its own Foreign Office. Meetings of the Imperial Assembly would afford the only opportunity to the Parliament of such Dominion to come into personal contact with the British Foreign Secretary, to listen to his explanations, to criticise, and to pass judgment on his policy so far as it

[1] The setting up of a Foreign Relations Committee in the Commonwealth Parliament has already been suggested. (See *Hansard* (Aus.), September 17, 1919).

affected the particular Dominion. Such personal contact would be no less important for the larger Dominions, if they adopt in any large measure the practice of acting in the more important questions of group policy through the British Foreign Secretary as the leader of the Group.

The Functions of an Imperial Assembly

One of the great difficulties in working any system of international government by the method of conference between governments, arises from the fact that the decisions arrived at in such conferences usually depend for their execution upon bodies which have taken no direct part in the conference, which have not been in a position to follow the discussions, perhaps intricate and prolonged, preceding the decisions, and which have not lived in the general atmosphere in which the decisions have been made. A memorable example of this fact is the failure of the American Senate to accept the Peace Treaty as negotiated by President Wilson in Paris. Perhaps the greatest error in judgment in recent years was shown in the failure of President Wilson to realise that unless he took with him to Paris the leading representatives of the Senate—that is the body which, under the American Constitution, shares in the treaty-making power, and which ultimately has the right of accepting or rejecting any Treaty made by the President—there was every chance that the Senate would reject the Treaty. What made the failure particularly glaring, was the further fact that a rival political party actually possessed sufficient votes in the Senate to make it impossible for any treaty to pass that body without their consent.

But a great deal of the significance of this incident is lost unless we realise that it is merely an extreme example of a difficulty which is always present in some form or other in any system of international government by the method of conference between governments. There is every chance in the world that such a system will fail to work, or will work

very badly, unless the leaders of the governments conferring together in such conferences are accompanied by the chief representatives of the bodies in their respective states who, in the last resort, have the power to accept or reject the decisions arrived at in the conferences. It is therefore essential that when the more important of the decisions arrived at in the Imperial Conference come before the various Parliaments of the Group, these decisions should be dealt with by men who, whether they oppose or accept them, have at least been plunged in the atmosphere in which they were made, and have at least some knowledge of the discussions which led to their making.[1] Unless in particular the leaders of the oppositions are brought regularly into contact with the work of the Imperial Conference and its organs, temporary weakenings of the machinery of co-operation at vital points will constantly be occurring through changes of government. This applies equally to the League of Nations.

One of the main functions of the Imperial Assembly would, therefore, be to act as an intermediary between the Imperial Conference and the Parliaments of the Group. Meeting at the same time as the plenary sessions of the Imperial Conference, the Imperial Assembly might discuss questions of policy brought before it by the Conference. Proposals, with regard to the general defence policy of the Group, and the allocation of the burdens of such general defence preparations as may still remain necessary under the League of Nations, might be laid before the Assembly and criticised by it.

Further, the Assembly might exercise certain quasi-legislative functions at present exercised by the House of Commons. A practice has grown up in recent years whereby

[1] It is worth noting that a somewhat similar problem has arisen in the Trade Union world. The difficulty of inducing the rank and file to accept settlements arrived at after prolonged negotiations (negotiations in which the rank and file have played no part) between the executives of the great Trade Unions and the Government has led to the practice of summoning to London meetings of delegates from all branches of the Union and of submitting to them for their decision the terms of the settlement.

the United Kingdom has framed and passed general Bills with a view to their adoption in similar form by each Parliament of the Group. These Bills have dealt with questions which required uniformity of legislation throughout the Empire, and which have formed the subject of discussion in the Imperial Conference and of agreement as to the general lines which the proposed legislation should take. Acts of this type before the war were the *Imperial Copyright Act* of 1911, the *British Nationality and Status of Aliens' Act*, 1914, and the *Naval Discipline Act* of 1911.[1] There is likely to be a big development of legislation of this type in the future—especially with a view to securing uniformity in respect of commercial, industrial and social questions—and the Imperial Assembly would be a body eminently suited to shape and to sift the Bills before these were finally brought before the respective legislatures. The whole machinery would be immensely strengthened if the subject matter of the Bills had already been referred to Select Committees in each Parliament for investigation.

The probability of these Bills, and of the suggestions of the Imperial Cabinet, being accepted by the national legislatures would be greatly increased by prior sifting by men on the spot. Each Delegation would be able to make clear to the Assembly the point of view of its Parliament, and would return to expound the agreed-on legislation to that Parliament. The Assembly would of course possess no coercive powers, least of all any powers of taxation ; but there is not much doubt that measures about which there was general agreement in the Assembly would be accepted and enacted by the national legislatures. It is even probable that, as the peoples grew familiar with the working of the Group machinery, measures passed by common consent in the Imperial Assembly would be accepted as a matter of course by the sovereign Parliaments.

In the last resort the British Commonwealth will rely upon the force of public opinion throughout the Group to bring a recalcitrant state into line with the others. No

[1] For details, see Keith : *Imperial Unity*, pp. 240–3 and 558 ; 251–3, 314.

more potent force than public opinion exists in modern society ; and since this force, rather than any paper coercive powers exercised by a sovereign legislature, is to be the ultimate sanction of the British Commonwealth, one of the greatest tasks of the future will be to organise it in the most effective way possible. A principal function of the Imperial Assembly would be to organise and to focus the public opinion of the Commonwealth. Herein lies the importance of one of the vital differences which is likely to exist between the Imperial Conference in its new form and the Imperial Assembly, namely, that whereas the informal discussions of the first can hardly be open to the public, although its decisions should be published, the debates of the latter can be published and can be held in public. If the full value of the Imperial Assembly as an educative factor and a means of focusing public opinion is to be realised, it is absolutely essential that a lengthy daily summary of the debates should be cabled out to the Dominions at the public expense, and should be published in full in the newspapers. The verbatim reports would follow at the earliest possible moment by air-mail. In addition to this it would be highly desirable that regular reports of the transactions of the Imperial Conference should be cabled to the Dominions by the Resident Ministers. A further means of keeping the public in touch with the work of the whole co-operative machinery of the Group would be the issuing of an Annual Report summing up the work of the Imperial Conference, the Imperial Assembly, and all the minor organs working under the direction of these bodies.

VI. CRITICISM

(*a*) *The Problem of Responsibility*

Reference must now be made to one or two of the principal criticisms which are likely to be brought against the proposals outlined in the two preceding chapters. Both before and during the War, much was made by federalists of the argument that only by means of Imperial Federation could be solved "the fundamental difficulty that the Imperial Foreign "Secretary and his associates must be responsible to one "Parliament and the electorate which chooses it." [1] This difficulty is no longer a very serious one. If, as is practically certain, the larger Dominions decide to establish their own Foreign Offices, and Foreign Services, the difficulty in their case will have practically disappeared. They will have their own Foreign Secretaries who will be responsible to their respective Parliaments and the electorates which choose these Parliaments.

It is possible, however, that one or two of the smaller Dominions may continue as in the past to work through the British Foreign Secretary. Moreover, the greater Dominions, although they have their own Foreign Offices, may decide on important occasions to allow the policy of the Group to be declared by the British Foreign Secretary as the group leader. As an example, we might take the representation of the Group by the British Foreign Secretary in the Council of the League of Nations. In such cases, the group policy would first of all be decided in the Imperial Conference, and it is obvious that although the British Foreign Secretary would not be responsible, in the English sense of the term, to the Dominions for the execution of the policy entrusted to him, the Dominion Ministers would still be able to exercise a large measure of control over him in the Imperial Conference. And even the Dominion Parliaments, by means of their delegations in the Im-

[1] *Round Table*, September, 1916.

perial Assembly, would be able to exercise some sort of control.

But we must not forget that the typical English method of securing the responsibility of Ministers (the method, that is, of making them dismissible by a single parliament elected by a single electorate) is not the only method, and that there are other methods which appear to be not much less effective in practice. Ministerial responsibility, in the English sense, is unknown to the great federal constitution of the United States. There the executive is responsible, not to Congress, but to the Electorate. Bryce shows convincingly that, despite the absence of formal means of enforcing the personal responsibility of the President, this responsibility is none the less effectively secured.[1] It is secured by the sensitiveness of the Executive to public opinion as expressed in its familiar organs—in the press, in the elections to the numerous legislatures, both state and federal, and in the great political, economic, social and religious associations—which are characteristic of American public life.[2]

There is no reason why the responsibility to the oversea peoples of the British Ministers, where they are empowered to act for these peoples in certain matters, may not be enforced by public opinion in much the same way as the responsibility of the American Executive is enforced by American public opinion. It is interesting to note, therefore, that prominent American students of the Imperial problem are not at all impressed by the argument used by advocates of Imperial Federation that responsibility can only be enforced

[1] So far as the Constitution is concerned, the President, once he is elected, can look forward to the uninterrupted enjoyment of almost despotic powers for four years. He may be removed by impeachment, but this expedient is extremely difficult to employ, and has only once, and unsuccessfully, been adopted by Congress (Bryce: *American Commonwealth*, Vol. I, Ch. IV). The prospect of re-election for a second term of office no doubt helps to make him more sensitive to public opinion; but the importance of this factor is discounted by the lack of evidence of any marked difference between the sensitiveness to public opinion of a first-term President, who has hopes of re-election, and of a second-term President, who, by reason of the tradition against a third term, has no prospect of a further lease of power.

[2] Cf. Bryce, *op. cit.*, Vol. I, Ch. IX, also Vol. II, Pt. IV.

effectively by the English method, and that therefore Imperial Federation is the only possible solution of this problem.[1]

(*b*) *Must Co-operation Inevitably Fail?*

One of the chief objections commonly brought by advocates of Imperial Federation is that any system of co-operation as a method of settling the "Imperial problem" must in the nature of things inevitably fail. Because of "the "practical impossibility of conducting a true government "by the co-operation of five governments," it is asserted that the remedy for the difficulties which face the Empire "cannot be permanently found in any mechanism for enabling "five separate communities to adjust their common policy "and determine their several liabilities by co-operative "means. . . ."[2] "The system," it is asserted, "has often "been tried before. It was tried between England and "Scotland, between Great Britain and Ireland, and in a "more completely co-operative form, between the revolted "American Colonies, and between the colonies now united "into the Dominion of Canada, the Commonwealth of "Australia, and the Union of South Africa, and in each "case it eventually failed . . ."[3] The case thus outlined rests partly upon "analysis and argument," and partly upon appeals to "the chief historical precedents" and it must be answered on both counts.

The "analysis and argument" rest ultimately upon an

[1] Cf. Prof. G. B. Adams (a recognised authority on English Constitutional history), *Yale Review*, June, 1916, and *The British Empire and the League of Peace* (1919), pp. 8–27.

There were, of course, a number of eminent English authorities who were not at all impressed by the Federalist argument. Cf. Sir Sydney Low: *Nineteenth Century*, August, 1917; Sir Frederick Pollock: *Quarterly Review*, January, 1918; and especially the review of Mr. Basil Worsfold's book: *The Empire on the Anvil*, by Sir Charles Lucas, in the *Nineteenth Century*, June, 1916.

[2] *Round Table*, September, 1916.

[3] *Ibid.*, June, 1917, p. 455. Cf. also September, 1916, p. 700.

assumption—the assumption that between the Dominions and the United Kingdom there will inevitably arise sooner or later disputes of such a nature that no co-operative machinery, however perfect, will be able to settle them—even if this machinery happens to be backed up by a public opinion founded upon "the close affection which grows "from common names, from kindred blood, similar privileges "and equal protection." "What right," the federalist argument runs, "have you to base your co-operative "machinery upon the contrary assumption? You cannot "rule out the possibility of an irreconcilable dispute, and if "it comes how will your machinery deal with it? In the "Imperial Conference the Dominion Representatives would "put their point of view; the United Kingdom representatives "would be unable to accept it; by refusing to accept it and "by insisting upon the adoption of their own policy they would "at once bring the Dominions face to face with 'the intolerable "alternatives of compliance or secession.'[1] The only possible "escape from this dilemma is to forestall the inevitable "disagreement by the creation of an Imperial Federal "Parliament which will have power to settle such disputes "on the principle of majority rule." Provided that we accept the assumption upon which this argument is based—that of an irreconcilable disagreement—there is no escape from its conclusion. If such disputes are inevitable in the Group, then its members will one day have to face these "intolerable "alternatives." Even if the Dominions had to accept the assumption they would still have to be convinced that such disputes could be solved by means of Imperial Federation, that this method would not be more likely to create than to solve disputes—that the "intolerable alternatives of com-"pliance or secession" would be in any way relieved, when, let us say, the representatives of Australia's five millions were face to face with England's forty-six millions in an indissoluble Federal Constitution.

[1] *Ibid.*

Growing Inter-dependence

But it is by no means clear that the assumption of inevitable and irreconcilable disputes is justified. The assumption has been most frequently made by the very persons who have failed most conspicuously in their judgment of the possibilities of a system of free co-operation. I have shown in earlier chapters how the old haunting fear of ultimate separation has disturbed the peace of a certain type of Imperialist ever since the revolt of the American Colonies, how this fear has been unceasingly exploited by the advocates of Imperial Federation since the movement began in the latter half of the last century, and how year by year the wreckage of unfulfilled prophesies of impending dissolution has piled higher and higher on the beaches of history. The whole history of the Empire since the epoch-making discovery of the principle of freedom has gone to discredit the assumption of ultimate separation. The steady increase of independence on the part of the Dominions has been accompanied by a steady increase of interdependence—not only in the political and in the economic spheres, but also in a cultural and spiritual sense.

In two ways the problem of unity in the future is likely to be simplified. In the first place it is likely that foreign policy will cause less friction in the Group than it has caused in the past. In the second place the League of Nations is likely to be a potent factor, not for the disruption, but for the consolidation of the Empire.

The first point is sufficiently explained by a quotation from a speech delivered by General Smuts in 1917.[1] "If," he said, "your foreign policy is going to rest, not only on "the basis of your Cabinet here, but finally on the whole of "the British Empire, it will have to be a simpler and more "intelligible policy, which will, I am sure, lead in the end "to less friction, and the greater safety of the Empire. . . .

[1] *The British Commonwealth of Nations*, May 15th. Cf. for almost identical phrases on this point Lord Milner's Speech on August 1, 1919.

" And you can understand that once it is no longer an affair " of one Government, but of a large number of Governments " who are responsible ultimately to their Parliaments for " the action they have taken, you may be sure there will be " a great deal more publicity and discussion of foreign affairs " than there has ever been."

The gathering together of the leaders of all nations in Paris, and the intimate contact between them and the leaders of the British Commonwealth, have made the latter see in a new light the great words in which Burke described the real basis of this group of kindred states. The result has been a series of remarkable speeches in which statesmen, differing as widely as General Smuts and Lord Milner, Sir Robert Borden and Mr. Hughes, have been united upon one point—that the effect of separate representation of the Dominions in the League of Nations would be not to weaken but to consolidate the British Empire, and to unite more firmly than ever its various members as a distinct and intimate group of states within the wider circle of the League.[1] By association with other nations in the League, the Dominions will realise that the differences which separate them from the other English-speaking nations are far less than those separating them from nations which speak other languages, have other modes of thought, and inherit other traditions.

In several ways the War has increased the spiritual unity of the British Commonwealth. It is difficult to estimate the effects of the vast imperial conference of soldiers from all parts of the Empire which we have witnessed in the last six years. But it is certain that as a result of this conference there will be far more real understanding between the various parts of the Empire, and that the real unity of the Empire as a group of peoples held together by the force of ideas will be immeasurably increased. The vast army educational experiments of the last few years will be followed

[1] One of the chief objections to the entry of South Africa into the League which was raised by Nationalist speakers in the Union House was that thereby " South Africa would tie itself to the British Empire " for ever." (*Cape Times*, September 11, 1919.)

by the flow, year by year, of thousands of Dominion students to the Universities, and the commercial and technical training centres of England and Scotland, and perhaps before long by the flow of students from the United Kingdom to Dominion Universities and training institutions. If there is one thing which it is reasonably safe to predict for the future, it is that the spiritual intimacy and the political and economic interdependence of the various members of the British Commonwealth will increase rather than diminish. The development of machinery both for political and economic co-operation, and the rapid growth of an inter-Imperial network of voluntary associations of all kinds, will help to banish the nightmare of " ultimate dissolution " to a comfortable corner in our minds near the one occupied by that other " last resort "—Doomsday.

Quite apart from the strong and natural desire of all the Dominions to retain some outward symbol of the old formal bonds of the family group, there are solid material reasons why the more isolated Dominions like Australia and New Zealand should be anxious to avoid the formal dissolution of the British Empire. Such an event, even if it were followed by the reconstitution of the Empire as a group of independent sovereign states, would heighten their sense of isolation and of weakness. Even if they desired to do so, they cannot as yet afford to stand alone, and they are not yet convinced that the League of Nations—despite the guarantee in Article X of their " territorial integrity and " existing political independence "—will offer them sufficient protection against the possibility of attack from without. Moreover, they realise that formal independence would be likely to weaken rather than to strengthen their position in the League.

Disruptive Factors

There are, of course, certain factors in the present situation which may seem to make this estimate of the future of the connection somewhat too confident. There is a small

separatist movement in Canada, and a more formidable one in South Africa; and above all, there is the sore which for more than a century has been slowly spreading poison through the veins of the British Commonwealth, and which, in the last few years, has begun to threaten its very existence —that is, the Irish question.

The separatist movement in Canada has never attracted many adherents. It has been based upon[1] (*a*) the idea, imported from the United States, that Canada is able to, and must, keep out of the vortex "of European "politics"; (*b*) the fear of French Canadians that closer relationships with England would in some way tend to destroy French-Canadian nationalism; (*c*) the feeling that the connection with England involves the acceptance by Canada of a status of political inferiority; and (*d*) the belief that closer political relations with England would subject Canada to the will of British capitalists and Imperialists. It seems clear that the events of the last few years have in some ways tended to weaken this case. Canada has entered into the vortex of European politics, and her membership of the League of Nations is likely to keep her there. The force of the second and third objections has been very much diminished by the changes in the status of Canada which have recently taken place. These changes have given her constitutional independence. By means of a *general declaration of constitutional right*, all traces of political inferiority may be swept away, and Canada will stand upon a basis of absolute equality with the United Kingdom or with any other independent sovereign state. Lastly, the effect of the rapid advance of the British Labour Party should be to lessen the fear that closer relations with England mean the dominance in Canada of British capitalist-imperialism.

Although the Republican movement in South Africa, led by General Hertzog, appears at present to be increasing in

[1] Cf. Ewart: *The Kingdom of Canada* and *The Kingdom Papers*, especially No. 21: *Imperial Projects and The Republic of Canada* (1917). Cf. also for a fair summary of Canadian opinion on this point the Canadian Treaty Debate: *Hansard*, Vol. LIV (September, 1919).

force, it is hard to believe that this movement, like the separatist movement in Canada, will not be weakened by the developments already referred to. It is already opposed by practically the whole of the English population, and by the large section of the Dutch led by General Smuts. It is also bitterly opposed by the entire native population. The recent elections have shown a decisive majority against Republicanism, and there is little doubt that, if by means of a general declaration of constitutional right the independent status of South Africa is made perfectly clear to the followers of the Nationalist Party, this party will be considerably weakened. It is difficult to see how the rank and file of the party will be able in the long run to resist the appeal made by General Smuts to the South African people to sink racial differences and to take an active and worthy part in world affairs, both in co-operation with the other members of the British Group and in co-operation with all nations in the wider League. In this connection, the words addressed to the Nationalist Deputation in Paris on June 5th, 1919, by Mr. Lloyd George, the once much reviled pro-Boer, are worth calling to mind: "As one of the "Dominions of the British Commonwealth, the South African "people control their own national destiny in the fullest "sense. In regard to the common Imperial concerns they "participate in the deliberations which determine Imperial "policy on a basis of complete equality. In the greatest "Conference in history South Africa is represented by two "statesmen of indubitably Dutch origin, who have won for "South Africa an extraordinary influence in the affairs of "the world. It is futile to believe that South Africa can "ever return to that isolation which was possible a century "ago. The world has become too knit together: the action "of one part impinges too directly and too rapidly on the "fortune of every other part for any nation to keep outside "the great common current of human affairs. The formation "of the League of Nations is the recognition of this inexorable "fact, and in the future League of Nations South Africa will "have the same membership and status and far more influence

" than any of the other States which are outside the ranks " of the few great Powers."

Whereas the separatist movements in Canada and South Africa affect only these Dominions (and no very large parts of their populations) the Irish question affects each member of the Group. The many thousands of Irishmen who have migrated to Australia and to Canada have taken with them bitter memories—memories which are being freshened year by year. Until some generous solution of the Irish problem is achieved, that bitterness will remain, poisoning the political life of each Dominion, and poisoning the relations between the Dominions and England, as it is poisoning the relations between England and the country where the great majority of the Irish race now live—the United States of America. It is upon the assumption that the Irish question will be rapidly and satisfactorily settled in the near future, that the estimates already given of the future of Separatism in the Dominions have been based. If this assumption turns out to be unjustified, it cannot be too strongly urged that there is every likelihood that large numbers of those in each Dominion who at present support the idea of equal national status within the formal unity of the British Empire will make common cause with the Irish and also with the French or the Dutch nationalists, as the case may be, and move rapidly, not merely towards formal independence, but also towards actual separation from the British Group. " Unless," General Smuts has said, " the Irish question is settled on " the great principles which form the basis of this Empire, " this Empire must cease to exist."[1]

If the " analysis and argument " are based upon a doubtful assumption, what of the " chief historical precedents " which are called in to support the argument that co-operation must inevitably fail? It is not too much to say that these so-called " precedents " are entirely unconvincing. The circumstances of the cases mentioned—England and Scotland, England and Ireland, the failure of co-operation between the thirteen revolted American Colonies, the events which led to federation in Canada, Australia and South

[1] Farewell message on leaving England, July, 1919.

Africa—are so entirely different from those which confront the Empire, that they are valueless as analogies. In each of these cases there were contiguous land frontiers between territories in a compact geographical area, and for this reason the field of friction was much greater than in the Empire, extending, as it did, not merely to external relations, but to everyday domestic affairs. In each case the unifying of the territories into a single State was the natural and fitting outcome of their condition. In each case all the facilities which make co-operation possible in the British Commonwealth were almost completely lacking. Facilities for transport and communications were almost non-existent when compared with the facilities of the twentieth century; machinery of co-operation was either non-existent or in an extremely rudimentary form.

Let us examine any one of these "precedents," say American Confederation. Here thirteen colonies established a consultative council which manifestly failed to secure an efficient government in common affairs, and ended in hopeless bankruptcy. But the differences! Thirteen colonies with contiguous land frontiers, and therefore conflicting violently in such matters as tariffs and migration; despite their contiguity, separated by enormous distances; possessing slow vessels, and their roads impassable or non-existent; possessing scarcely even a localised press, no telegraph and a very primitive post office; inheriting no tradition of co-operation, but accustomed to quarrel amongst themselves; and, finally, imbued with a deeply rooted tradition of hostility to alien executives. Well might the Canadian correspondent in a recent number of *The Round Table*, in expressing the views of Canadians upon the historical analogies so elaborately worked out by Mr. Lionel Curtis, report them as feeling that "the analogies of Scotland and Ireland and the United "States are incomplete and not convincing."[1]

Let us be honest with ourselves and admit, as most of the well-known historians of the Empire admit, that there is no clear precedent upon which to base an argument as to the inevitable failure of co-operation. The Empire is some-

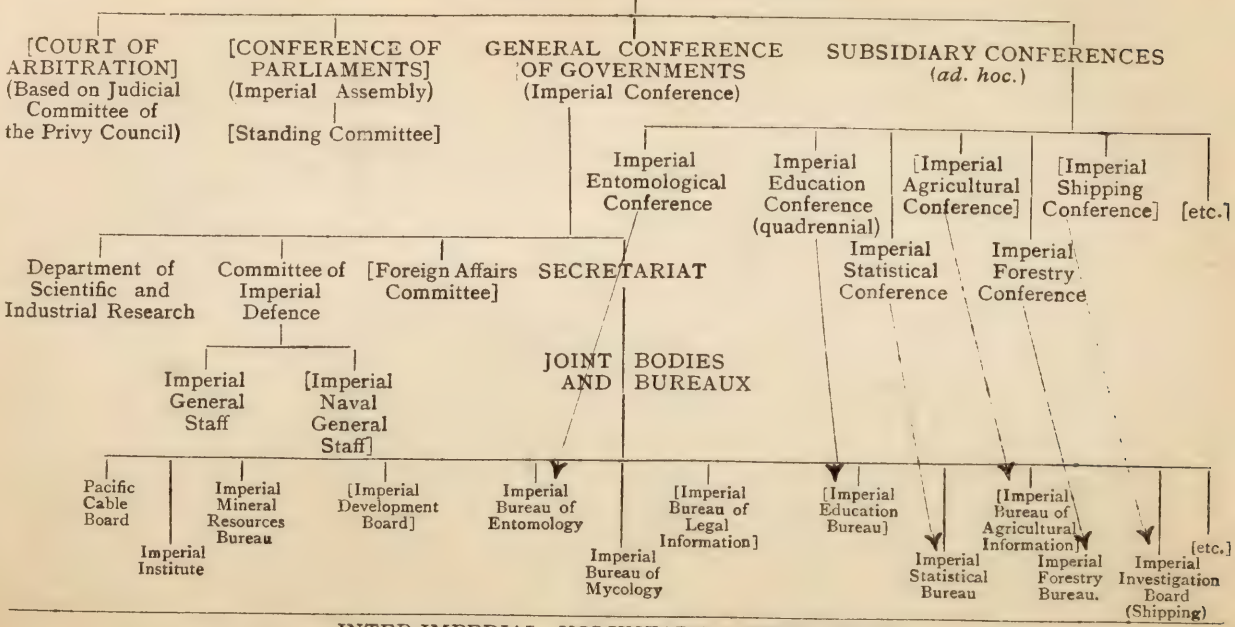
[1] *The Round Table*, September, 1918, pp. 837–8.

thing without parallel or precedent. It is its own precedent, in that, despite very imperfect machinery, it has itself afforded an example of successful co-operation both during the trials of war and the even greater trials of peace. As General Smuts said in 1917, "Yours is the only system that has "ever worked in history where a large number of nations "has been living in unity."

APPENDIX TO CHAPTER X. Diagram Illustrating Machinery of Co-operation.

THE BRITISH COMMONWEALTH OF SELF-GOVERNING NATIONS.

MACHINERY OF CO-OPERATION.



INTER-IMPERIAL VOLUNTARY ASSOCIATIONS

(Empire Parliamentary Association, Empire Press Union, Society of Comparative Legislation . . . etc. Closer Unity Associations, Cultural and Educational Associations, Professional Associations, Commercial and Industrial Associations, Labour Organisations . . . etc.).

NOTE.—The bodies enclosed in square brackets have not yet been established, but have been authoritatively suggested or approved. Joint bodies of a more or less temporary nature (e.g., Dominions Royal Commission, Imperial War Graves Commission, etc., see Ch. X, § 3b) have been omitted. The Imperial Investigation Board has been established in a temporary form as the Imperial Shipping Committee.

CHAPTER XI

THE BRITISH GROUP AND THE LEAGUE OF NATIONS

"AND from this point of view let us proceed at once "to discard the idea of a super-State which is in "the minds of some people. No new super-"sovereign is wanted in the new world now arising. States "will here be controlled not by compulsion from above, but "by consent from below. Government by consent of the "governed is our formula. The old Empires were ruined "by their theories of sovereignty, which meant centralisation, "absorption and denationalisation of the weaker national "constituents of the population. The great League of "Nations, like the lesser league already existing in the "British Empire, will have to avoid the old legal concepts "of Imperialism in the new world of Freedom. We shall "likewise have to abandon all ideas of federation or con-"federation as inapplicable to the case, and not likely to be "agreed to by any of the existing sovereign States. We are "inevitably driven to the Conference system now in vogue "in the constitutional practice of the British Empire, although "it will necessarily have to be applied with very considerable "modifications to the complex world condition obtaining "under the League."

(General Smuts : *The League of Nations* (December, 1918), p. 32)

". . . Within the limits of the group of nations which "constitute the British Empire there is a very good exemplar "of what the world-wide League of Nations may be, and it "is for us within this Commonwealth of British nations,

" within this more intimate Society of Nations which is
" known as the British Empire, to accomplish the working
" out of that task in such a manner as may be not only an
" example, but an assistance to that wider Society of Nations
" which has just been founded in Paris."

(Speech by Sir Robert Borden, 16th May, 1919)

In words such as these quoted above General Smuts, one of the chief architects of the League of Nations, and Sir Robert Borden, the Prime Minister of the greatest of the Dominions, have indicated the high and difficult path in which the British Commonwealth must walk in its relationships with the League of Nations. Little has so far been done to explore this path, and only the vaguest ideas exist in the minds of the peoples of the British Group as to the present and the future relationships between the British Empire and the League. Yet, since upon the attitude taken, and the relationships maintained by the British Empire with regard to the League, depend the whole future of the latter body, it is not too much to say that no question which confronts the public at the present time is of greater importance than this, or calls for more earnest thought.

An investigation of this question involves a study of the following points: (1) How far the British Empire has been used as a model for the constitution of the League; (2) The position of the British Empire, and especially of the Dominions, in the League; (3) The principle of grouping in the League; (4) The functions of the British Group within the League, with special reference to its functions in respect of the general development of the organs of international government, and in respect of international economic and cultural relationships.

I. THE BRITISH COMMONWEALTH AS THE MODEL OF THE LEAGUE

The Nature of the Commonwealth and of the League

It is now well-known that the draft prepared by General Smuts was one of the chief influences in determining the final

form of the Covenant of the League, and it is therefore very interesting to note the way in which he continually refers to the British Empire as in many important respects a model for the League.[1] A very brief study of the ways in which the experience of the British Empire has actually influenced the structure of the League, will afford some guidance as to the present and future relationships between the two bodies. Students of international relations, engaged with a new intensity on the age-long quest of a means of preventing war, have naturally turned with interest to "the one system "which has ever worked in history where a large number "of nations have been living in unity." The value of the methods of conciliation and of cabinet conference developed by the British Commonwealth was generally recognised by these students. But an essential factor upon which the success of these methods largely depended was not so clearly perceived. The experience of the British Empire has gone far to prove that peace is a by-product of normal and healthy international co-operation, and that the way to discover peace is not to be obsessed with the idea of avoiding war—because those who are obsessed with the idea of avoiding a thing are most likely to collide with it—but to be filled with the desire to co-operate with a view to enabling each people to live, in the fullest measure, the good life. The new principle of international relations which shines out from the lengthy and somewhat dreary debates of the Imperial Conference on such questions as emigration, commercial relations and communications, is the principle of mutual service between nations in matters of living everyday interest.

The experience of the last years of the war drove home this new conception to the minds of the more far-sighted of those engaged on the problem of maintaining universal peace. As the war drew to a close and the problem of establishing a permanent League of Nations became more insistent, it began to be perceived that the League of Nations was no longer a mere idea, but was actually being built up in a rude form in the alliance against Germany. The years 1914–18, which saw

[1] *The League of Nations* (December, 1918), pp. 9; 29–30; 32. *War-Time Speeches* (1917), pp. 7; 13–17; 31.

European civilisation shaken to its foundations, witnessed also a growth of international co-operation on an unprecedented scale. Reluctantly and in the face of deeply rooted prejudices the Allies were forced into closer and closer political, military, and economic co-operation. Isolated communications between the Allied Governments grew into regular consultation. This took shape finally in the Supreme War Council—a political body composed of the Prime Ministers and Foreign Secretaries of the Allied Governments—which was established at Versailles in November 1917. To this Council was attached a permanent military staff which corresponded roughly to the Imperial General Staff of the British Group. A month later a permanent Allied Naval Council composed of the Ministers of Marine of the nations concerned, and the chiefs of the Naval Staffs, was established. Unity of command, which had been adopted at the outset by the British Empire, was only adopted by the Allies on the military side in the last year of the war, and on the naval side was never adopted at all. On the economic side the pressure of the war forced the Allies to build up step by step a vast framework of Committees and Councils—such as the Maritime Transport Council, the Council on War Purchases and Finance, the Programme Committees, and the Supreme Economic Council—which made possible international economic co-operation on a unique scale. The successes of the developments, added to the deepening perception that, if the economic and political needs of the world's peoples were allowed to slip back into the old anarchy of international competition tempered by diplomatic intrigue, a recurrence of war in a more terrible form would be inevitable, helped to bring to the foreground the new view of the League expressed by General Smuts—the view which regarded it not merely as a possible means for preventing war, but much more as " a great organ " of the ordinary peaceful life of civilisation."

There is nothing in its constitution to prevent the League becoming such an organ ; whether it does so or not depends on the ability of the statesmen and the peoples to seize the opportunity which it offers. If this opportunity is seized the League will become the director and supervisor of a vast

network of international councils and bureaux, including all the international bodies, such as the Universal Postal Union, already in existence, and the large number of new international bodies which have been found necessary to satisfy the requirements of the peoples during the war, and will be equally necessary in some form or other to satisfy their requirements in time of peace.[1] As we have already seen, the working out of the same principle of mutual service is leading to a somewhat similar result in the British Group of States—namely the creation of a number of joint inter-Imperial bodies under the supreme direction of the Imperial Conference, or of Subsidiary Conferences of Ministers responsible for particular functions.

A careful study of the covenant of the League and of the *Commentary*[2] upon it issued by the British Government reveals many other remarkable resemblances between the League and the British Empire.

The principles upon which the British Commonwealth of Nations is organised are : (1) the freedom and independence of its constituent states ; (2) the settlement of common problems by the method of conference between governments, followed by executive action on the part of, and at the discretion of, those governments. These principles have also been adopted as the basis of the League. The framers of the Covenant rejected all projects for an international

[1] Cf. *Articles* 24 and 25 of the Covenant which make provision (*a*) for international action with regard to labour legislation, white slave traffic, the prevention of disease and so forth, and (*b*) for the placing of all international bureaux and commissions under the direction of the League. It is noteworthy that the covenant in its opening words places the promotion of "international co-operation" before the prevention of war. At its first few meetings the Council of the League has dealt not merely with war issues, including armaments, boundaries, etc., but also has taken steps to bring about the formation of a permanent Court of International Justice and permanent international bodies to deal with Health and Transport problems. It has organised a Conference on Finance, is considering the formation of a Central Statistical Council, etc., etc.

[2] Cmd. 151 (1919). The *Commentary* was prepared by Lord Robert Cecil and General Smuts (statement by Mr. Rowell, Canadian *Hansard*, March 11, 1920).

super-state, feeling, no doubt, that a method of government, which even a family group of states such as the British Empire persisted in rejecting on the ground that it meant a serious and unnecessary encroachment on their freedom and independence, would have not the least chance of acceptance by the heterogeneous crowd of states which form the League of Nations. On the other hand, they decided to follow the precedent of the British Empire in supplementing and largely (it may be hoped) superseding the defective method of diplomacy by the new and more effective method of conference " in vogue in the constitutional practice of " the British Empire."

How closely the League adheres to the spirit of the British Commonwealth in these respects may be judged from the words in which the British *Commentary* sums up the general intent of the Covenant : " The document that has emerged " from these discussions is not the constitution of a super- " State, but, as its title explains, a solemn agreement between " sovereign States, which consent to limit their complete " freedom of action on certain points for the greater good " of themselves and the world at large. Recognising that " one generation cannot hope to bind its successors by un- " written words, the Commission has worked throughout " on the assumption that the League must continue to depend " on the free consent, in the last resort, of its component " States ; this assumption is evident in nearly every article " of the Covenant, of which the ultimate and most effective " sanction must be the public opinion of the civilised world. " If the nations of the future are in the main selfish, grasping " and warlike, no instrument or machinery will restrain them. " It is only possible to establish an organisation which may " make peaceful co-operation easy and hence customary, " and to trust in the influence of custom to mould opinion." A necessary consequence of the adoption of the principle of free consent as the basis of the League is the provision in Article I, which allows any member to withdraw provided certain conditions as to notice, etc., are fulfilled. " It is " believed," wisely remarks the *Commentary*, " that the " concession of the right of withdrawal will, in fact, remove

" all likelihood of a wish for it, by freeing States from any " sense of constraint, and so tending to their more whole- " hearted acceptance of membership." In this matter also the League resembles the British Commonwealth.

The Machinery of the League and its Working

The main organs of the League—the Assembly, the Council, and the Secretariat—correspond roughly, both in structure and functions, to those already established or likely to be established in the British Group. It is worth noting that though the Covenant provides only for occasional meetings of the Council, the British *Commentary* points out that there is nothing in the Covenant to prevent the places of the " national leaders " of States directly represented in the Council " being taken in the intervals between the regular " meetings by representatives permanently resident at the " seat of the League. . . . " If this development takes place (and there is every likelihood that the League, like the British Group of States, will soon discover the need of converting spasmodic into continuous consultation) there will be a very close parallel between the Council of the League and the Imperial Cabinet with its regular meetings of Prime Ministers supplemented in the intervals by regular meetings of Resident Ministers representing the Prime Ministers. The Covenant gives no direct authority for the assumption made here (and also in the *Commentary*) that the meetings of the Council will be attended by Cabinet Ministers rather than by mere Ambassadors. It cannot be too strongly emphasised that if the organs of the League become mere meeting places for diplomats, the League is doomed to failure. The necessities of international co-operation will be satisfied by nothing less than *cabinet consultation*, that is to say, direct personal consultation between the leaders of the Governments concerned. Nothing stands out more clearly from the experience of the British Empire than the fact that the success of international co-operation depends upon

the leaders of the governments which desire to co-operate being brought face to face without intermediaries.[1]

The provision in the Covenant that decisions of the Council shall be unanimous is paralleled by the convention observed in the Imperial Conference. In practice unanimity, where it was really essential, has been secured without difficulty in the Imperial Conference, and only on one or two rare instances has the spectacle been witnessed of a minority acquiescing without a very good grace in the will of the majority. Despite the differences between the moral ties which bind together a family group, and those which unite a League of all states, the *Commentary* is probably justified in its belief that the requirement of unanimity in the League "is not likely to be a serious obstacle in practice. Granted "the desire to agree, which the conception of the League "demands, it is believed that agreement will be reached, "or at least that the minority will acquiesce."[2]

The Mandatory System

But the most striking of all the ways in which the British Empire has served as a model for the League of Nations is to be seen in the clauses of the Covenant which embody the "mandatory" principle. These clauses adopt the best features of the best English practice with regard to tropical dependencies, notably the principle of the open door, or equal economic opportunity for all nations, and the principle of the non-militarisation of the native inhabitants. The two main provisions in Article XXII of the Covenant are: That the well-being and development of peoples not yet able, for various reasons, to stand by themselves shall form "a sacred "trust of civilisation," and that the tutelage of such peoples

[1] The first few meetings of the League have been attended partly by Ministers and partly by Ambassadors.

[2] It is important to remember that amendments of the Covenant require unanimity in the Council, but only a majority in the Assembly (Article XXVI).

should be entrusted in each case, under definite conditions, to an advanced nation, which by reason of its experience, its resources, or its geographical position, can best undertake the responsibility. These provisions show the influence on the one hand of the British principle of trusteeship, and on the other of the general experience (confirmed especially by British colonial experience) that such trusteeship can only be satisfactorily undertaken by a single state. As General Smuts has noted, joint international administration, under the existing limitation of the method, is not satisfactory as a method of governing peoples or territories, though "it "has worked fairly well in international business arrange- "ments of a limited scope such as postal arrangements, "the Danube Commission, and similar cases."[1]

It has not been generally realised how very closely the British Empire has approximated in certain respects to the mandatory system established by the League of Nations. Three of the Dominions, Australia, New Zealand, and South Africa, have in the past been entrusted by the United Kingdom with the government of certain native territories on the understanding that these should be administered in the interests of the native inhabitants. Thus, the Commonwealth of Australia, by the Papua Act of 1905, accepted British New Guinea as a territory under its authority and provided for its government along the lines of the best English practice in tropical dependencies. But by far the most interesting of all these examples is to be found in the mandatory provisions embodied in the schedule to the South African Constitution. The colony of Basutoland and the protectorates of Swaziland and Bechuanaland remain as before the Union under the control of the Imperial Government; but provision has been made in the Act of Union whereby the Government of these territories might be entrusted to the Union under conditions which were elaborately

[1] It is important to note, however, that General Smuts seems to regard this as merely a temporary limitation due to the absence of a really efficient international Civil Service composed of officials trained "to look at things from a large human instead of a national point of "view." (*The League of Nations*, pp. 18–19; 28.)

specified in the schedule to the Act.[1] This schedule is in fact an excellent example of the "mandatory charter" which is contemplated under Article XXII of the Covenant of the League.

II. THE STATUS OF THE BRITISH GROUP IN THE LEAGUE

The Reconciliation of Equal Status and of Group Unity

In his farewell message on leaving England in July, 1919, General Smuts referred as follows to the position secured by the Dominions in the League:

"The Dominions have been well launched on their great "career; their status of complete nationhood has now "received international recognition, and as members of the "Britannic League they will henceforth go forward on terms "of equal brotherhood with the other nations on the great "paths of the world."

That this position was not gained without "constant "effort and firm insistence"[2] on the part of the Dominions, was made clear in the Treaty Debates in the Dominion Parliaments. In the first draft of the Covenant as submitted to the Peace Conference, no provision was made for the separate representation of the Dominions. This was due partly to the desire of some of the British representatives to avoid taking a step which appeared to weaken the cohesion of the Empire, and partly to the fact that foreign statesmen were either ignorant of, or failed to recognise the significance of, the great constitutional developments which in a few years have changed the British Commonwealth from a single state to a group of equal and autonomous states. It was only after careful explanations of the facts of the situation had been made by Dominion and British Ministers, and the former had very strongly insisted upon the right of the Dominions to equal representation, that the justice of the

[1] South Africa Act (1909), § 151 and schedule.

[2] Sir Robert Borden, in Canadian Treaty Debate.

claim was fully recognised and separate representation was granted.[1]

How successful was the struggle for equal status may be gathered from the speech of General Smuts in the Treaty Debate in the Union Assembly: "... A question had been "put," he said, "whether South Africa had exactly the same "advice and the same representation on the League of "Nations as Britain. The answer was in the affirmative, "*absolutely and independently of England.* ..." But this claim for equal status had to be reconciled with the claims of group unity. "... We were equally anxious," said General Smuts, "to see that nothing was done which would "loosen the ties which bind together the British Empire." As these sentences indicate, the problem as it presented itself to the statesmen of the Empire was to reconcile the formal group unity of the British Commonwealth with the constitutional independence of its members, that is, in other words, to give the Dominions the same rights and duties in the League as ordinary sovereign states, without destroying the formal marks of group unity, or in other words formally disrupting the Empire. The solution finally adopted was arrived at only after the most careful deliberation on the part of the Imperial War Cabinet, which in January, 1919, had appointed a representative committee to consider the question in all its bearings.

An examination of the Covenant of the League shows how the twofold purposes—the reconciliation of unity with diversity—was actually carried out. "The High Contract-"ing Parties," the Preamble of the Covenant states, "agree "to this Covenant of the League of Nations ..." In the

[1] A similar struggle (which was also successful) was made by the Dominion Ministers to secure the equal representation of the Dominions in the International Labour Organisation. Cf. *Hansard* (Canada), September 2 and 8, 1919. These precedents were not, however, followed in the constitution of the *International Commission for Air Navigation* [Cmd. 670], 1920, where the representation of the Group of British States is somewhat less and their voting power considerably less than that of single states such as the U. S. and France. This is all the more surprising in view of the fact that Article 40 of the Convention lays it down that "The British Dominions and India shall be "deemed to be States for the purposes of the present Convention."

Preamble to the Peace Treaty (of which the Covenant is a part) the British Empire—not its parts individually—is mentioned as a "High Contracting Party." That the term "British Empire" no longer connotes a single state but a Group of States is made clear by the fact that when the British Empire signs its name, its signature is a group signature.[1] All the independent members of the High Contracting Group of States called the British Empire received separate representation as original Members of the League. Article I of the Covenant opens with the words :

"The original Members of the League shall be those of "the Signatories which are named in the Annex to this "Covenant . . ." The first column of signatories of Treaty of Peace and members of the League of Nations stands as follows in the Annex :

United States of America.
Belgium.
Bolivia.
Brazil.
British Empire.
 Canada.
 Australia.
 South Africa.
 New Zealand.
 India.
China.

The significance of the list lies in its arrangement, which indicates the existence of a distinct group of states, and in its use of the term "British Empire." What is this studied use of the term "British Empire" intended to signify? It means : (1) that the formal unity of the Empire (which consists in the concentration in the Imperial Crown of *legal* sovereignty in respect of treaty-making powers, etc., and in the *legal* sovereignty of the British Parliament) is safeguarded ; (2) that the person who attends the Council of the League as the "British Empire Representative" (under Article IV,

[1] This point was repeatedly emphasised by Ministers in the various Canadian Treaty debates.

the Council is to consist of " representatives of the United " States of America, of the British Empire," etc.), will go there normally in three capacities : (*a*) as a British Cabinet Minister representing the United Kingdom ; (*b*) as the representative of such Dependencies of the United Kingdom as are not yet fully self-governing, e.g., Crown Colonies and Protectorates ; and (*c*) as the person entrusted by the British Group of States (each of which is an independent member of the League with the right of a separate voice) with the duty of representing them on the Council with regard to the more important of their common interests.

The value of this arrangement from the point of view of the Dominions lies in the unique position which it gives them with regard to the Council, the body which is likely to be the chief centre of power in the League. Under Article IV of the Covenant, the Council will consist of " Representatives " of the Principal Allied and Associated Powers, together " with Representatives of four other Members of the League." These four Members are to be elected by the Assembly from amongst the body of minor Powers. In addition to its chance of being elected as one of these four Representative States the ordinary small state has the right, shared by any Member of the League not directly represented on the Council, of being invited " to send a representative to sit " *as a member* " [i.e. with all the powers, such as voting, enjoyed by the ordinary member] " at any meeting of the " Council during the consideration of matters specially " affecting the interests of that Member of the League."[1] Both these avenues into the Council are open to the Dominions as Members of the League ;[2] and they have in addition

[1] Article IV.

[2] The eligibility of the Dominions for election to the Council or their right to appear there and to vote as " interested " members was only secured after a " hard fight " by the Dominion Ministers. Sir Robert Borden was careful to obtain a document signed by M. Clemenceau, President Wilson, and Mr. Lloyd George, in which they expressed their " entire concurrence " in the view that upon the true construction of Article IV, " representatives of the self-governing Dominions of the " British Empire may be selected or named as members of the Council." (Quoted in Canadian Treaty Debate : *Hansard*, LIV, p. 89.)

a third means of entry into the Council which is not open to the ordinary small state such as Belgium or Brazil. There is nothing in the Covenant to prevent the appearance of a Dominion Minister on the Council as the Group leader, that is as the "British Empire Representative," just as there is nothing in the British Constitution to prevent any Dominion Minister (or for that matter any Dominion citizen) from becoming a member of the British Cabinet. The discussion which took place in Paris showed clearly that there is every intention of making use of the avenue whenever occasion arises. An additional advantage over other small states which their membership of the British Group gives to the Dominions, is that even when they have no direct representatives present on the Council their interests are permanently represented there by the leader of their Group, that is by the United Kingdom.[1]

Thus separate membership of the League gives to a Dominion precisely the same rights and obligations in the League as the ordinary sovereign state. Canada, for example, has the same rights as Belgium with regard to the Assembly, the Council, and the Secretariat of the League. The same equality with regard to rights and obligations will apply to all Conventions drawn up by the League.

The chief obligations which a Dominion incurs by its acceptance of separate membership of the League are as follows: (1) Under Article X it is a party to the mutual guarantee of the territorial integrity and political independence of all Members of the League. (2) Under Article XI any war or threat of war, whether immediately affecting the Dominion or not, becomes its concern as a member of the League. (3) Under Articles XII–XV a Dominion agrees that if a dispute, likely to lead to rupture, arises between

[1] Although a Dominion has a technical right of election to the Council as one of the four representatives of the minor Powers, there is not much chance of such an election taking place, because the two great English speaking states will already have a preponderating influence in that body. It should be noted, however, that in the International Labour Organisation, where a similar position exists, Canada has been chosen as one of the four elected representatives on the Governing Body.

itself and another Member of the League, it will submit the matter either to arbitration or to enquiry by the Council. (4) Under Article XVI a Dominion pledges itself to take the measures prescribed therein (the severance of all relations, political, financial, commercial, etc.) against a covenant-breaking state. (5) Finally, if it happens to be one of the three Dominions (Australia, New Zealand and South Africa) entrusted with mandates, it pledges itself under Article XXII to carry out the terms of its trusteeship as prescribed by the League, and to render to the Council an annual report in reference to the territory committed to its charge.

As I have already pointed out, it by no means follows that because the states of the British Group have secured separate membership in the League, they will therefore speak and act as separate units, either in the meetings of the League or in the fulfilment of their obligations under the Covenant. The Covenant was in fact an express recognition of their right to form what General Smuts called " an inner Britannic " circle." " We have secured," he said, " an inner League, " and the world has agreed to it." The British States will thus continue to work together as a Group with regard to all the more important questions which come before the League. The attitude which the members of the Group are to take in the League with regard to such questions will be decided by prior consultation in the Imperial Conference. The acceptance by each member of the Group (including the United Kingdom) of the principle that no member should enter into any relation with, or take any action in, the League, except after consultation with the other members, is essential to the continuance of any group life.[1] The Group will as far

[1] It has been suggested recently in New Zealand (*Times*, April 22, 1920) by Sir James Allen, formerly Minister of Defence in New Zealand, and now High Commissioner, that the Dominions should not enter into direct relationships with the League, but should " transmit representations through Britain after consultation " ; and for this purpose he suggested the establishment of a Secretariat in London to co-ordinate such representations from the Dominions. This might suit New Zealand but it would be obviously incompatible with the national status of Canada or Australia. The strict observance of the rule that no representations should be made by any member without prior consultation is however essential.

as possible act as a unit, not merely in the Council of the League—where for the present it will normally be represented by its recognised leader, the United Kingdom—but also in the Assembly, where each member, although separately represented and therefore having the right to exercise an independent vote, will not be likely in any vital matter to indulge in the luxury of separate action. As Lord Milner has said in a recent speech : " . . . Anything like dissension " between different British States in the Councils of the " League would be so overwhelmingly condemned by public " opinion in all of them that it should be an easy task for " statesmanship to avoid it."

Objections Raised against this Solution

In the Canadian Treaty Debate the criticism was made that the position of the Dominions as separate members of the League might, under certain circumstances, involve them in a war against Great Britain or against one another. It was argued that if Great Britain, for example, were involved in a dispute with another Member of the League and declared war despite an adverse decision on the part of the Council of the League, then in accordance with Article XVI of the Covenant the Council might decide to recommend to the Dominions to use their force against their Mother Country.[1] An effective reply was made to this criticism by the Canadian Ministry, and it ran as follows : (1) That the Council would recommend the Dominions to take such action against Great Britain was " an unthinkable proposition." (2) If, however, the Council did give this advice, say to Canada, she would at once become entitled under Article IV " to sit as a member " on the Council ; and since the Council cannot act except by the unanimous consent of its members, Canada could not be compelled to take any such action unless she agreed to it.[2]

[1] *Hansard*, September 9, 1919, p. 120.

[2] *Ibid.*, pp. 136–7 (Mr. Rowell), and September 11th, pp. 207–10. It should be remembered that both President Wilson and General

The American Reservation

But by far the most important criticisms are those which have been raised in the United States. These criticisms take two forms: (1) an objection to the separate representation of the Dominions and of India, that is of the " possessions of England " (as they are conceived), on the ground that this is a mere " dodge " on her part to secure six votes and eighteen representatives in the Assembly (together with a possibility of securing more than one vote on the Council in the event of a Dominion being elected there as one of the four minor states, or being invited there as an " interested " member) as compared with the one vote and three representatives secured by the United States in the Assembly, and its one vote on the Council; (2) an objection against inner groups, leagues, or alliances within the all-embracing League, on the ground that they will cause friction, and will tend to defeat the objects for which the League exists. Of the two, the second objection is much the most important—though from the point of view of the party politician it is a poor rallying cry as compared with the six votes issue—and will be dealt with in the two following sections.

It is important to understand how the six votes issue arose. The explanations given privately to President Wilson in Paris completely satisfied him as to the justice of the claims for separate representation made by the Dominions. The Treaty containing these provisions, when brought before the Senate, came before a body which did not hear these explanations (except indirectly, and to a limited extent, from the President, himself), a body, moreover, whose constitutional

Smuts (Cf. *Congressional Record*, quoted in Canadian *Hansard*, September 9, 1919, p. 123; and Treaty Debate in Union House, *Cape Times*, September 9th), have given as their interpretation of the Covenant that " nothing shall be done affecting any nation unless it is " a consenting party " (General Smuts), and " the unanimous vote of " the Council is only advice in any case. Each Government is free to " reject it if it pleases " (President Wilson). A similar interpretation has been given by the British *Commentary*.

rights President Wilson appeared to have gone out of his way to flout. Hence, partly with a view to the assertion of these constitutional rights, and partly because of a genuine dislike of many of the provisions of the Treaty and a fear of the dangers which these provisions might involve for the United States, the Senate proceeded to frame and to pass a series of reservations to the Treaty.[1] As soon as the Treaty was presented to the Senate, its critics at once seized upon the six votes of the British Empire as a good rallying cry and ultimately embodied this objection in one of their reservations. In its final form, as passed by the Senate in March, 1920, this reservation ran as follows:

" Until Part I, being the Covenant of the League of Nations, " shall be so amended as to provide that the United States " shall be entitled to cast a number of votes equal to that " which any member of the League and its self-governing " dominions, colonies, or parts of Empire in the aggregate " shall be entitled to cast, the United States assumes no obli- " gation to be bound, except in cases where Congress has " previously given its consent, by any election, decision, " report, or finding of the Council or Assembly in which any " member of the League and its self-governing dominions, " colonies, or parts of Empire in the aggregate have cast more " than one vote. The United States assumes no obligation " to be bound by any decision, report, or finding of the Council " or Assembly arising out of any dispute between the United " States and any member of the League, if such member or " any self-governing dominion, colony, or part of Empire " united with it politically has a vote."

The way in which this move has been received by all the states of the Empire shows the value which is attached by the Dominions and the United Kingdom to the separate repre-

[1] It has not been sufficiently realised that the general aim of these reservations was merely to preserve unimpaired the power of Congress to decide in the last resort whether or not the United States should be bound by any action of the League. This position does not differ materially from the attitude taken by the British Members of the League, and merely makes more plain the interpretation of the Covenant given by Dominion and British Ministers. (Cf. the British *Commentary*.)

sentation of the former in the League. When Lord Grey stated, in his letter to *The Times* on January 31, 1920, that neither the self-governing Dominions nor Great Britain could admit of any qualification whatsoever of the right of the Dominions to full membership of the League, he was merely stating a fact which for a period of several months had been repeatedly and emphatically stated by the Government and other organs of public opinion in each of the Dominions, and also in the United Kingdom. The Government of Canada have been especially emphatic in their refusal to assent to "any impairment of her status or voting rights under the Treaty";[1] and they have been quick to point out the inconsistency between the reservation against the six votes of the British Empire, and the other reservations of the Senate which insist upon the maintenance unimpaired of the Monroe Doctrine—a doctrine which gives the United States a sort of control over all the seventeen other American States, some of which (such as Cuba, Panama, Haiti, and Guatemala) are economically and politically dependent on her, and, despite this, have been freely given full votes in the League.

The general attitude taken by the United Kingdom and the Dominions to this reservation has been well stated by Lord Grey in his letter to *The Times* (January 31, 1920). "To "any provision," he wrote, "which makes it clear that none "of the British votes can be used in a dispute likely to lead "to a rupture in which any part of the British Empire is "involved no exception can be taken. This is the only "reasonable interpretation of the Covenant as it now stands. "If any part of the British Empire is involved in a dispute "with the United States, the United States will be unable "to vote, and all parts of the British Empire, precisely because "they are partners, will be parties to that dispute and equally "unable to vote. But as regards their right to vote where "they are not parties to a dispute, there can be no qualifica-"tion, and there is very general admission that the votes of

[1] In *Times*, February 17, 1920. The whole question has been debated in the Canadian House of Commons (March 11 and 16, 1920), and all parties in the House were unanimous in their insistence upon the full recognition of Canada as an independent Member of the League.

" the self-governing Dominions would in most cases be found " on the same side as that of the United States." It will be noted that Lord Grey in the earlier part of this quotation freely accepts the contention expressed in the last sentence of the American Reservation. The contention has also been accepted by the Canadian Government. In rejecting the idea that Canada would have a vote in the case of dispute between the United States and the United Kingdom, Mr. Rowell (President of the Council) has recently said: " Canada owes allegiance to the same " Sovereign as Great Britain, and so long as she continues to " do so she would be a party in the interest and disentitled " to a vote. If she disclaimed her interest and claimed the " right to vote she would thereby proclaim her inde- " pendence."[1] There is, of course, an obvious difference between the cases imagined here and the case already referred to, where it has been assumed (by Messrs. Rowell and Doherty) that if Canada were to be advised by the Council to take any positive action against any covenant-breaking state, especially against Great Britain, she would thereby automatically become an interested Member, entitled under Article IV " to " sit as a Member " at any meeting of the Council during the consideration of this matter.

On the whole it may be said that the importance of this Reservation and of the attitude taken by the United States has been over-emphasised. As Lord Grey has remarked, the Reservation does not " in any way challenge the right of the self-governing Dominions to exercise their votes, nor does it state that the United States will necessarily reject a decision in which these votes have been cast." The general effect of the Reservation, therefore, will merely be to give the United States one more form of loophole of escape, in addition to the many others which her reservations provide her with, from the possibility of being bound in any way, except in accordance with the will of Congress, by any decision arrived at by the League. Moreover, it should be remembered that the reservation will not affect the working of the Council of the

[1] *Morning Post*, February 4, 1920. Cf. also similar statements in Bulgarian Treaty Debate, *Hansard* (Can.), May 11, 1920, p. 366, etc.

League because, the Dominions at present have no direct representation upon that body. Further, the experience of the conference method in the British Commonwealth has shown that voting is of much less importance in such conferences than is generally realised. Unless it is fairly clear that proposals will meet with no serious opposition they are not usually pressed to a vote ; and the fact that, for the decisions of the Council and of the Assembly, unanimity is ordinarily required, makes one vote as potent as any number of votes in preventing any action being taken which is unacceptable to any member, and especially to any really important member, of the League.

For this reason there is a remote possibility that the members of the British Group might be prepared, if there were no other way of securing the active co-operation of America in the League, to accept the view expressed by Lord Grey that " we have no objection in principle to an increase of the " American Vote." Since, however, the League is based upon the principle of equality of nationhood, and by means of a general declaration of constitutional right the equal nationhood of the Dominions would be fully secured, it can hardly be argued that an increase in the American vote would not involve a violation of one of the fundamental principles of the League. Any proposal to increase the American vote would almost inevitably evoke similar claims from all the states, both great and small, represented in the League. As a result of this process the Dominions would lose their status as equal nations, and would find their voting power reduced to a fraction of that of an ordinary independent state. Tinkering with the existing basis of the League (i.e. one state one vote) will not solve the difficulty; it can only be solved by making perfectly clear the separate statehood of the Dominions. That a general declaration of constitutional right as described in Chapter IX would fully qualify the Dominions for separate membership in the League as Sovereign States, will become clear if we compare the status thereby secured to them with the definition of a Sovereign State given by authorities on international law. " By a Sovereign State," says Halleck, "is meant a

" community or number of persons, permanently organised " under a sovereign Government of their own ; and by a " Sovereign Government is meant a Government, however " constituted, which exercises the power of making and " enforcing the law within a community, and is not itself " subject to any superior Government."[1]

The moral of this whole controversy is clear. The attitude of the United States has to a large extent arisen from a genuine misconception as to the real nature of the British Commonwealth, and the constitutional changes which have taken place within it in the last few years. Witness, for example, the astounding argument frequently used in the American Senate (an argument used sometimes by critics of the treaty even in the United Kingdom and the Dominions[2]) that if the Dominions are entitled to votes as separate members of the League of Nations, then the " States " of the U.S.A. should be equally entitled to votes. To this the Canadian Minister for External Affairs (Mr. Rowell) has taken the trouble to reply as follows in the Canadian Parliament : [3] " Every one realises " that the British Empire bears no relation in its constitution " to the United States of America. In the United States " there is one Government, the federal government, that " conscripts men, levies taxation, and carries on war. . . . " It is the only government within the limits of the United " States that has any authority to exercise these great " powers. . . . There can be only one member of the League, " and therefore only one vote. What is the situation in the " British Empire ? It is wholly different. No one govern- " ment in the Empire wages war, conscripts men, levies " taxation, and negotiates peace. In the British Empire " half a dozen governments exercise these functions. . . . " As there are several self-governing nations in the " British Empire, each is a member of the League and each " is entitled to a vote."

[1] Halleck : *International Law*, p. 71.

[2] E.g., Mr. Fielding, an ex-Minister of Canada, in the Canadian Treaty Debate, September 11, 1919. Cf. Article in *National Review*, February, 1920.

[3] *Hansard*, March 16, 1920, pp. 519–20.

He was well advised in taking the trouble to answer such an argument. We may be perfectly certain that if this misconception is so strong in English-speaking countries, it is even stronger amongst other peoples of the world. British peoples have been too much inclined in the past to regard with amusement the inability of foreigners to understand the inner meaning of the English Constitution and of the constitution of the British Commonwealth. The incidents just referred to are a small sign of the dangers involved in vagueness and misunderstanding ; and they show how important it is that the British peoples should seize the first opportunity to set out clearly before the whole world, by means of a general declaration of constitutional right, the real nature of their relationship to one another within the British Commonwealth. With the formation of the League of Nations and the admission of the Dominions as separate members, this relationship has ceased to be merely a question concerning the British peoples, and has become an international issue with regard to which the peoples of the world have a right to secure accurate information.

III. THE PRINCIPLE OF GROUPING IN THE LEAGUE

Grouping Necessary and Inevitable

The second criticism mentioned—that against the idea of an inner League or Group—is by no means confined to the United States ; it has been raised, not only in foreign countries, but also within the British Commonwealth itself.[1] It is based upon serious misconceptions as to the nature and functions of the British Commonwealth, which, if they are not corrected, may undermine the stability of the League of Nations, and perhaps even of the Commonwealth itself.

[1] Cf. for example an article by Sir Roland Wilson in the *Hibbert Journal*, July, 1919.

The very superficial answers which have been given to this criticism are due, not to the fact that effective answers cannot be found, but rather to the inveterate tendency of British peoples to imagine that their relationship is fully understood by other peoples, and that there is, therefore, no need to be bothered with the making of troublesome explanations. The authoritative reply given by Lord Milner, speaking as Colonial Secretary, is as follows :

" It is certain, I think, that if in international conferences " of the future the British Dominions appear as separate " members, foreign countries will have to accept the position " that that does not prevent them from remaining in a " separate, distinct, and intimate relationship of their own " with the United Kingdom. We have to realise the two " things, that they may be members of the League of Nations " side by side with the United Kingdom, and at the same time " they have a right to be, as they intend to be, members of a " British League of Nations inside the Empire. However " new and difficult that position is, it corresponds with the " essential facts of the situation, and forms will have to be " devised to suit the facts."[1]

This reply is admirable so far as it goes, but it does not go far enough. To say that " foreign countries will have to accept the position," without attempting to give satisfactory reasons why they should accept it, is not a promising basis for international good-fellowship. Nor is it sufficient for anyone to answer, using the words of the British *Commentary* on the Covenant, that " there is nothing in the Covenant " (see Article XXI) to forbid defensive conventions between " States, as long as they are really and solely defensive, and " their contents are made public. They will, in fact, be wel- " comed, in so far as they tend to preserve the peace of the " world." Such an assurance will not remove the uncomfortable feeling in the minds of many people that this is only another case in which the idealism of President Wilson has been defeated by the vested interests of the older Imperialism.

A really adequate reply involves a discussion which falls

[1] Speech, July 9, 1919.

into two parts : (*a*) a reasoned justification of the principle of grouping in the League ; (*b*) a critical examination of the functions which the British Empire, by far the most important of all groups of states, will play as a laboratory of international government in the League.

The principle of grouping, that is the superiority in many respects of group action over individual action, is now recognised as of fundamental importance in modern life—so much so that the Twentieth Century may come to be known in history as the age of association and of co-operation, in contrast to the Nineteenth Century, which is already being described as the age of competition and individualism. The principle of grouping is fast becoming the very foundation of modern industrial and social organisation. It is this principle which brings together workmen in their trade unions, employers and capitalists in their associations and trusts, doctors and lawyers in their professional organisations, students in their classes and groups, and worshippers in their churches or meeting-houses. In the political sphere this force is seen at work in the growth of the large State, and the rapid spreading of the principle of federalism throughout the world. It is seen also in the criticisms which are being levelled against the basing of representative government on haphazard geographical areas, on the ground that such " sand-heaps " of isolated and unrelated wills cannot by some mysterious alchemy give the " general will " which the theory of democratic government presupposes. Such a " general will," it is argued, cannot be secured unless we can discover some method of basing the electoral system on living groups or " communities " ; and in the absence of a general will based on such group constituencies the modern representative system will remain merely a camouflaged autocracy.

It is clear that the principle of grouping will play a large part in the development of international government and in the growth of international co-operation. The value of the League of Nations will depend in large measure upon the recognition by the nations of the importance of group development within the all-embracing circle of the League. The League is doomed if all its members are forced to move

together at the pace of the slowest, and if any attempt is made to discourage the formation of groups of states, which, by reason (amongst other things) of the fact of kinship, or of historical tradition, or of contiguity, are capable of far more than the minimum of internationalism provided by the all-embracing League. Progress will come, not by attempting to burst up existing groups and intimacies, reducing all to the dead level of the " intimacy " between Poland and Patagonia, but by seeking to raise the rest of the world to the level of co-operation and of intimacy attained by existing groups.

From this point of view the wording of the third of the Five Points made by President Wilson, in his speech on September 27th, 1918, was unfortunate. " There can be," he said, " no leagues or alliances or special covenants and " understandings, within the general and common family " of the League of Nations." Taken literally these words would have prevented a federation, say, of the Balkan States or of the South American Republics, would have ruled out as illegitimate the special understanding between American States known as the Monroe Doctrine, and would have meant the break up of the British Group as a preliminary to the formation of the League. On such terms no League could ever have been formed. A clue to the President's real meaning is to be found in the reference in his Fourth Point to " special, selfish economic combinations within the League." What he apparently had in mind were mere alliances between Governments, such as the alliance between France and Russia, or between England and Japan. He would be the last man to object to an alliance or an understanding which was based upon an " entente " of peoples, and which aimed at their closer grouping for the sake of mutual aid and co-operation in all their common affairs. At the same time his words lead us to an essential condition which must govern the formation or the continuance of such groups. Inner leagues or groups cannot be allowed to adopt any policy which aims at the military or the economic exploitation of other peoples ; nor can they be permitted to adopt any economic policy which shuts out other peoples from access

to raw materials or products which are essential to the common civilisation of the world.

The Functions of Groups

Subject to these necessary limitations—groups of states should perform extremely useful functions in the League. One of the most important effects of the formation of such groups would be the simplification of the problem of representation in the League, thus making it a more wieldy and a more representative body. This simplification might occur in two ways. (*a*) A number of contiguous states with a large field of common interests—such, for example, as the South American Republics or the Balkan and South Slav States—might agree to unite themselves into a federal state, thus reducing the total number of states represented in the Assembly of the League, and securing for the new federal state, if large enough, permanent representation upon the Council ; (*b*) Such states, even if they did not feel disposed to go as far as federation, might group themselves together for the purpose of representation on the Council of the League. A group such as this, if of sufficient size, might also be given permanent representation on the Council. "The Group," as General Smuts has suggested, "would always have a "representative on the Council, but the representation would "go in rotation among a panel of important members of the "Group to be settled by the Council."[1] The present constitution of the League does not altogether rule out the possibility of such a development, and indeed, signs of group representation (involving the three possible groups suggested by General Smuts, namely the South American Republics, the Balkan and South Slav States, and the small states of Northern Europe) are visible in the nomination of Brazil, Greece and Belgium as three out of the four states representing the body of minor Powers on the Council. In the event, of any large development in the direction of such grouping

[1] *The League of Nations*, p. 38.

a difficulty may arise with regard to the representation of small isolated states which do not come into any natural group. Such states (to adopt a suggestion made by General Smuts)[1] might be formed into a panel which would select a representative from amongst its members by rotation. In future therefore representation on the Council of the League may be of three kinds: (1) direct; (2) by groups; (3) by panel.

The moment representatives of governments, and perhaps of parliaments, begin to meet together to choose a group representative for the Council of the League, it will become apparent that such meetings may be used for many other purposes. Questions of common concern to the members of the group will be discussed, and the lines of policy to be pursued by the governments with regard to such questions will be settled. A vast field of fruitful co-operation between the members of the group will thus begin to open out. This development of group co-operation on a large scale will fit in with the needs of the League. It is highly desirable that the work of the League should be decentralised as much as possible, and that it should not be over-burdened with problems or disputes which are the primary concern of local areas, or groups of states, such as, for example, the South American Republics. It would be all to the good if these states, by co-operating with each other, could settle for themselves some or all of such matters without carrying their troubles to the League. It is obvious that there are many economic and political questions—such, for example, as boundaries, waterways, tariffs, the development and conservation of natural resources—which are purely or mainly South American in character, and should therefore be dealt with by the South American peoples. The habit of everyday co-operation thus formed would either eliminate the disputes to which such questions are constantly giving rise, or, by reason of the fact that it would provide well-tried and well-trusted machinery to deal with them, would render their settlement much more easy. Disputes which the members of the group failed to settle for themselves would, of course

[1] *Ibid.*, pp. 37–8.

be referred to the League. There is no need to fear that, if the League is relieved of such local matters, it will rust for lack of use. If it really attends to the world's business as it should, it will have little time to spare for boundary or tariff disputes between, say, Chile and The Argentine.

The precedents of the British Empire and the League of Nations give some indication as to the kind of political machinery likely to be required by a group. It would need a Conference of Governments, possibly a Conference of Parliaments and a Court of Arbitration ; it might need also regular subsidiary Conferences between Ministers charged with particular functions of government—such as transport or education—and perhaps a certain number of joint bodies for research or investigation, or for the performance of definite pieces of administrative work—such as those established by the British Group. The functions of this latter Group in the League are of such outstanding importance that they must be dealt with in a separate section.

IV. THE FUNCTIONS OF THE BRITISH GROUP IN THE LEAGUE

The Modes and Principles of Group Action

Contiguity is not the only, nor perhaps the most important, factor which may determine the formation of a group. Bonds of kinship, a common heritage of ideas, and a tradition of uninterrupted intimacy and co-operation, unite the scattered units of the British Commonwealth far more closely than the fact of contiguity unites any group of states in Europe. Moreover, the sea unites as well as divides, and the Empire has been aptly called a new Venice whose streets are the oceans. This sea-sundered, sea-united group of states is only upon the threshold of its career. Europe will no longer bulk so large in the world's affairs as it has in the past. America is outbalancing Europe, and before long America will be outdistanced by the British Commonwealth. The outstanding impression left with General Smuts and General Botha

by the Peace Conference was, in the words of the former, that of " the political preponderance of the British Empire " to-day in the world."[1] This preponderance is likely to increase year by year as most of the few remaining great expansion areas of the world now occupied by the Dominions fill up with people.

Grouping together as it does a quarter of the world's population, including peoples of all races in all the continents, the Empire is not only large enough to be an examplar to the League itself, but also to afford a number of examples of the normal type of groups within the League. The most noteworthy development in the history of the Empire during the last half century has been the consolidation of contiguous groups of colonies into large federal states. This development is by no means ended, and the tendency towards consolidation is likely to result in the formation of federal groups amongst tropical colonies and dependencies, such as those on the West of Africa, from Gambia to the Cameroons ; those on the East, from the Sudan to the late German East Africa ; and those amongst the islands of the West Indies and of the Pacific. In each of these cases federations of various types have already been suggested on a number of occasions, and in some of them (e.g. the West Indies) there is a strong movement in this direction. In the end, the British Empire will contain a large number of federations, or of intimate federal groups, differing widely in type, and affording invaluable precedents for the formation of federal states or intimate groups amongst the peoples of all the continents. The history of the Imperial Conference gives a very good example of the effect which the consolidation of small states into large federations will have in reducing the number of units represented on the central organs of the League, thus making these organs much more wieldy and efficient. The federation of the Australian Colonies, and the formation of the Union of South Africa, reduced the number of governments represented in the Imperial Conference from fourteen to six. One extremely important result which would follow from any

[1] Speech, July 5, 1919, at Manchester. Cf. the farewell message of General Botha a few days later.

general development in a similar direction in the League, would be the removal of one of the chief obstacles at present in the way of building up an Assembly, which, while not too unwieldy in size, would represent Parliaments, rather than as at present Governments.

But it is as a League in miniature that the British Empire will be of the greatest value to the universal League. Because of the immense size of this political organisation ; because it brings together East and West and North and South, includes peoples of all races and civilisations, and may therefore be said to offer a fair sample of the world's problems and diversities ; because of the unique intimacy of its members ; and because finally of the extraordinary effectiveness of its political machinery—it has a far greater capacity for international co-operation than the larger, less intimate, and more cumbrous League. It is true that the members of the latter will come closer to each other. But we need not make the mistake of regarding the British Empire as static in relation to the League. The progress of the latter towards international co-operation will be outstripped by the gathering intimacy of the British Commonwealth.

The greater capacity of the English-speaking peoples for international co-operation will bring them great material rewards, but if they are content merely with these, they will have missed a great ideal. Their greater capacity lays upon them a great duty—that of acting as the torch-bearers of internationalism. It is their duty to lead the way in giving an example to the rest of the world of the high spiritual and material gains which attend a policy of international co-operation in place of a policy of competition. Amongst many other things, they might lead the way in developing the organs of international government ; in developing and securing a just distribution of the world's resources ; in fighting the common enemies of mankind, poverty, hunger and disease ; in raising to the highest level the standard of life of the masses of the people, and in setting up in place of the present system of industrial autocracy a new system of industrial democracy ; and finally, in encouraging education, promoting the interchange of students and teachers, and developing facilities

such as transport and communications, upon which depend the fine flowers of internationalism—the spiritual, cultural and social relationships between peoples.

Before suggesting ways in which these pioneer functions may be performed, we must consider briefly the general principles which should govern the functioning of the British Commonwealth in relation to the League. In the last resort the justification of such an "inner League" is its greater capacity for international co-operation. By virtue of its group organisation it is able to secure to the peoples contained in it the full benefits of that capacity, thus enabling them to live a finer common life. But this positive principle is limited by a negative principle, namely, that in the exercise of this greater capacity they shall not take actions or adopt policies which, though conferring great benefits upon themselves, do so at the cost of seriously damaging or obstructing the interests of other nations. The principle of group action must therefore be a principle of inclusiveness, rather than of exclusiveness or of monoply. It must not be a building of Chinese walls but rather of roads and bridges—which though primarily for the use of members of the Group, are open, under reasonable conditions, to the free use of other nations.

Pioneer Functions in Respect of Organs of Government

It is not necessary to add anything to what has already been suggested in this and in the preceding chapter as to the ways in which the development of the general conference organs of the British Commonwealth (in particular the proposed Conference of Parliaments) should influence the development of the corresponding organs of the League. But something further must be said as to the relationship between the remarkable growth of Subsidiary Conferences, and joint bodies for administration and research (noted in Chapter X), and the development of similar organs in the wider international sphere. If the aims and working of these inter-Imperial bodies are

carefully examined, it will be found that practically without exception they conform to the principle of group action already laid down. They are based upon the greater capacity of the British Peoples for international co-operation, upon a realisation of the great need for closer co-operation with regard to all the main functions of government, and upon a perception of the immense benefits flowing from such co-operation. Both the Conferences and the joint bodies are in the nature of roads and bridges for the peoples of the British Commonwealth, rather than of walls against the foreigner. The work of some of the bodies (e.g. the Bureaux of Entomology and of Mycology) will be of great value, not merely to the peoples of the British Group, but also to the rest of the world. Most of the bodies are performing pioneer work in regions of international relationships not yet touched by general international action. By doing pioneer work of this character, they will in many cases be preparing the way for the creation of general international bodies. Even when these latter bodies have been created, the need for the corresponding inter-Imperial bodies will not necessarily have disappeared. The general international bodies, as they must be framed and worked to provide for the capacity of the whole world—that is for a *minimum capacity*—will not be likely to satisfy the *maximum capacity* of the British Group. This Group will still need its own joint bodies, which in satisfying the demands of the Group for a more intimate and a more fruitful form of co-operation than is possible in the wider sphere, will thereby be performing pioneer functions of the greatest importance to the development of international government.[1]

Whether the other peoples of the world look with favour or disfavour upon these inter-Imperial joint bodies, will depend largely upon the kind of policies which they serve. If, for example, the Imperial Mineral Resources Bureau is used, not only for the valuable positive policy of developing under proper conditions the huge mineral resources of the various

[1] As an example of this kind of relationship we might take the new *Imperial* Statistical Bureau and the *International* Institute of Statistics with its Permanent Office ; or the proposed *Imperial* Bureau of Agricultural Information and the *International* Institute of Agriculture.

countries of the Empire, but also for the dangerous negative policy of excluding some or all foreign peoples from a share in such resources, these peoples can hardly be blamed for regarding the Bureau as an organ of British Imperialism.[1]

We are thus led to a consideration of the functioning of the British Group with regard to certain great fields of policy. For the purpose of developing further the idea of pioneer functions, and of showing the application of the principles of group action as already set out, it is necessary to study very briefly the functioning of the British Group with regard to economic policy, the mandatory system, and the problem of Asiatic immigration.

The Problem of Racial Contact and the Mandatory System

The two latter fields of policy may be dealt with first. It is in relation to the future development of the mandatory system, and of the relationships between white and coloured races, that the actions of the United Kingdom and of the Dominions are likely to have the greatest influence on the League of Nations. The British Empire groups together East and West, bringing Asiatic and African peoples into close relations with the peoples of England and of the Dominions. It has a longer and more intimate experience of the Colour Problem, and of the problems of racial contact, than any other state or group of states. No more serious or more difficult problems than these are likely to face the League in the future ; and in the event of it being thought advisable at some future time to set up an international commission to study the Colour Question, such a commission would find in the Empire its chief field of study. It would study in particular the efforts of the Empire to meet the diffi-

[1] The resolutions (such as are published) of the Imperial War Conferences of 1917 and 1918, and the account given of them in the *War Cabinet Report* for 1918 (pp. 11–12 and 221–29), show that a policy of exclusiveness after the war appears to have been contemplated.

culties arising from race conflict by the method of conference between governments; it would also study the working of the expedients adopted as a result of such conferences—for example, the idea of reciprocity of treatment between India and the Dominions in the matter of immigration, adopted in principle by the Imperial War Conference of 1917, and expanded by the Conference of 1918.[1]

Similarly the enormous responsibilities which are being borne by the United Kingdom with regard to native races will give her, for good or for evil, a decisive influence on the development of the mandatory principle. If the peoples of the British Commonwealth are content to remain passive and ignorant with regard to native races, they will be responsible for making the mandatory principle a mere cloak for capitalist imperialism. If, on the other hand, they insist on a generous fulfilment of the principle of trusteeship—which means nothing less than the preparation of dependencies for ultimate self-government; if they insist that in place of the objectionable plantation system (that is the system, widely adopted in the Empire and outside it, whereby the natives are compelled directly or indirectly to work on the plantations of white settlers to whom their lands have been alienated) there shall be adopted generally in tropical colonies the system (most successfully established in Nigeria and other West African colonies) whereby the land is developed by free native cultivators taught to work their own land for their own use and by modern methods; then the British Peoples may cause the adoption of the mandatory principle to be regarded as one of the most beneficent advances ever made in human history. If the unsatisfactory record of the Allies hitherto with regard to mandates is to be bettered in time to save the credit of the mandatory principle, much needs to be done.

In respect of its voluntary societies, as well as in respect of the policy of its governments, the British Empire might serve as a model for the League. Much of the credit for the adoption and observance of the principle of trusteeship—imperfect though this observance still is in many British

[1] For the discussions and valuable memoranda on this question, see *Proceedings* of Conferences, 1917 and 1918.

Dependencies—is due to the unsleeping vigilance of the English Anti-Slavery and Aborigines Protection Society, and the corresponding societies in certain other parts of the Empire.[1]

Economic Policy—The Question of Imperial Preference

A consideration of the question of economic policy leads at once to a discussion of Imperial Preference. This question has been brought to the forefront through the adoption of the principle of Imperial Tariff Preference by the United Kingdom in 1917—following on its adoption by each of the Dominions at various dates in the previous twenty years—and by the tendency shown during the war (for example, in the differential export duty on palm kernels) to extend the principle to the dependent portions of the Empire. During the discussions leading to the creation of the League of Nations the criticism was often voiced, not merely in England but also in foreign countries, that the adoption of Imperial Tariff Preference meant the adoption of a policy of exclusiveness and of monopoly, which was alien to the spirit of the League, and was bound to lead to serious international friction. Though this criticism was made in Paris during the peace negotiations, it did not apparently convince the Conference. "The question of inter-Imperial preference was discussed," said General Smuts, "and it was agreed that we were an inner "league, and as such our position was entirely justified."[2]

Though the decision of the Peace Conference may be taken as settling the question for the time being, it cannot be denied that there is a good deal of force in the objection just quoted. It is not without significance that the advocacy of Imperial Preference and of Tariff Reform in England, has been coupled almost invariably with a somewhat narrow and militant conception of the relationship of the Empire to the world. The ideal has been that of a self-sufficient Empire, strong in

[1] See Appendix I.

[2] Union House, September 8, 1919.

wealth and in arms, which was regarded as a solid and desirable alternative to the chimera of a world-wide Society of Nations. Imperialism has thus been regarded as a substitute for internationalism.[1] This is further borne out by the fact that the chief opposition to the League of Nations idea in England has come from certain sections of the school of Tariff Reform Imperialism.

When we regard the policy of Imperial Tariff Preference from the point of view of the peace of the world, the thing which stands out most clearly is that any large extension by Great Britain of this policy to tropical dependencies would be fatal. The dependence of modern civilisation for its very existence upon tropical products, makes it absolutely essential that the huge supplies of these products contained in the tropical colonies of the British Empire should continue to be thrown open freely to the world.

But the case against preferential tariffs as they exist at present between the Dominions and the United Kingdom is not so clear. So far, this type of preference can hardly be said to have caused much really serious international friction, the tendency having been for other nations to regard it as an arrangement arising naturally out of the peculiarily intimate relations between the peoples of the British Commonwealth. It should be remembered also that the British preferences granted in 1918 were small in amount, and conformed—with a single exception, that of spirits—to the line laid down by the Chancellor of the Exchequer in introducing his proposals, namely, that the preference should be " by way of a reduction " of existing duties and not by way of surcharge on foreign " goods."[2] Even in the tariff policies of the Dominions there are traces of a similar tendency. In several of the Dominions

[1] A good example of this state of mind may be found in Jebb : *Imperial Conference*, pp. XXXIV–XLIV, where the attempt of the Liberal Government in 1911 to conclude an unrestricted arbitration treaty with the United States is denounced as part of " a special policy " of internationalism based on disarmament " in place of the policy of a self-sufficient and self-contained Empire based on Imperial Preference.

[2] *Hansard*, April 31, 1918. The extraordinary view of the Empire revealed by Mr. Chamberlain in his reply to criticisms of his Budget,

—notably Canada—preference has been welcomed as a possible means of escape from the grip of high protection, or even as the insertion of the thin end of the wedge of free trade.[1]

But there are other methods of Imperial Preference which, because they are based on a principle of inclusion rather than of exclusion, are not open to any of these objections. The contrast between these methods and the method of tariff preference, was well indicated in a speech made by General Smuts just before the end of the war: "It seems to me," he said, "not so much by building Chinese walls, but by "opening and establishing more markets, and opening up "the various communications of the Empire, that the Empire "will soonest recover from the shock of the war."[2]

It was along these and similar lines that the Dominions Royal Commission pointed the way. It urged the conservation and the scientific development of the natural resources of the Empire, and suggested the creation of an Imperial Development Board charged with the duty of making and keeping up to date a complete survey of these resources, and also of co-ordinating scientific research throughout the Empire. It urged also the conservation, as far as possible, of migration within the Empire; the exchange of school teachers; the systematic development of cheap, speedy and efficient oversea transport, involving "the use of vessels "of great length and draught," and, as part of a great co-ordinated plan, the consequent widening and deepening of the harbours of the Empire on the chief trade routes, and the

is worth noting, because it is typical of the views held by many protectionist imperialists in England. Foreign Governments, he suggested, would no more think of complaining of Imperial Preference, that is, "of the internal arrangements of another nation," than we would think of complaining because goods could pass "from one province of the Chinese Empire to another," without paying the charges that English goods must pay when they enter China.

[1] The Canadian Farmers' Party in their new platform propose so to reduce the customs duties on British goods as to "ensure complete "free trade between Great Britain and Canada in five years." They also propose the acceptance by Canada of the Reciprocity Agreement of 1911 with the U.S.A.

[2] A similar attitude was taken by Sir Robert Borden in the Canadian House in 1917. (*The War and the Future*, pp. 60 ff.)

provision of adequate harbour facilities; the systematic development of oversea communications in the form of "new mail services of great speed," of a great chain of wireless telegraphy stations, of greatly reduced cable rates by means in some cases of state owned cables; the "improvement of "the commercial intelligence system in many parts of "the Empire"; the co-ordination and development of statistics; "the holding of periodic inter-Imperial exhibi- "tions";[1] the securing of uniformity with regard to legislation bearing on trade, especially in respect of patents, trade-marks and companies; the abolition of double income-tax within the Empire; "the establishment throughout the "Empire of uniform coinage based on the decimal system, "and of uniform weights and measures, based on the metric "system."[2]

These are only the more important of the suggestions made by the Commission, and they represent only a tithe of the practical suggestions that might be made for development along these lines. But even the partial carrying out of a programme of this character would be of incomparably greater value to the peoples of the Empire, and would cost them in the aggregate far less, than any extensive development of a system of tariff preferences.

But perhaps the greatest advantage of a development along the lines of such a programme is that it would be based not upon any idea of exclusion, but simply upon the capacity of the British Peoples for a maximum co-operation. While incidentally conferring both directly and indirectly great practical advantages upon other peoples, it would not necessarily involve the taking of any action likely to do serious injury to any other nation. In practically every direction the programme would be capable of extension beyond the Empire the moment other nations were willing

[1] An Empire Timber Trade Exhibition was held in July, 1920, an Exhibition of Canadian Industries in June, 1920, and a great British Empire Exhibition is being organised for 1923. Cf. the proposed "travelling ship" exhibitions.

[2] Final Report [Cd. 8462] 1917. Double Income Tax within the Empire was abolished in the Budget of 1920.

to co-operate. Imperial penny postage will lead on to universal penny postage; uniformity within the Empire with regard to commercial legislation and practice will lead on to world uniformity; the abolition of double income-tax in the Empire will lead to a demand for its universal abolition;[1] cheap cables and ocean transport in the Empire will stimulate other peoples to demand similar facilities for themselves; the systematic pooling by the British Peoples of ideas, knowledge, and experience gained by each of them in every field of human endeavour, will lead on to a similar pooling on the part of the human race as a whole; the extension of facilities for the easy transfer of citizenship as between one part of the Empire and another, with its approximation to the ideal of an Empire-wide citizenship, will open up the far-off vision of a world citizenship. In short, by developing along the lines indicated the British Commonwealth will be performing pioneer functions of incalculable value to the all-inclusive League of Nations.

The Sphere of Voluntary Association.

But, as already pointed out, the ultimate test of the value of the British Commonwealth is the extent to which it makes possible a richer and deeper spiritual, cultural and social life for its peoples. As evidence that it stands this test, attention has been drawn to the vigorous growth of inter-Imperial voluntary associations.[2] If this growth is studied, it will become clear that here, as in most other spheres, the British Commonwealth has a great opportunity to exercise pioneer functions—an opportunity of which it is already taking some advantage. Conditions within this large and intimate group of peoples are peculiarly favourable to the germination and rapid growth of new political, social, and cultural ideas, or movements. The general tendency is for these ideas or movements, having arisen in some one unit of the Group, to spread throughout the whole Group, as the immediate and most fertile expansion area, and then to spread

[1] This demand has just been made (June, 1920) by the new International Chamber of Commerce.

[2] See Ch. X, and Appendix I.

in widening circles, first perhaps to the United States—the other great section of the English-speaking race—and onwards into foreign countries.

Many examples of this tendency might be given, of which the spread of English parliamentary institutions and practices, and of the ideas and methods of the English and Dominion Labour movements—including the Trade Union, Co-operative, and Socialist movements—are perhaps the most important.[1] An interesting but less well known example is afforded by the Workers' Educational Association. Founded first in England, it expanded next to Australia (the most British of all the Dominions so far as the composition of its population is concerned), and then to New Zealand, to Canada, and to South Africa. Already before the war, the W. E. A. had begun to attract attention and to stimulate similar movements on the Continent and in the U.S.A. Schemes are now under consideration : (*a*) to bring about a federation of the W. E. A.'s throughout the Empire ; (*b*) to " supply information of the aims and work of the " W. E. A. to other countries," and to secure information as to what is being done in other countries on similar lines ; (*c*) to approach working class and educational bodies in other countries " with a view to the inauguration in those countries " of national organisations of a similar type to the W. E. A." ; (*d*) to bring about, through the avenue of an international labour educational conference, an International Workers' Educational League.[2] As a further example of this tendency,

[1] A good indication of the tendency noted is given in the following sentence from a letter written to the author by the Secretary of the Society of Comparative Legislation, in reply to a request for information about the work of the Society. " Our work is primarily Imperial. " Secondly, we devote attention to the U.S. where we have a con- " siderable amount of support, but as our resources allow we want to " develop our connection in foreign countries, and in fact have done so " considerably during the present year. At the moment of writing " we are paying special attention to South America."

[2] See resolutions and memorandum of the English W.E.A. Executive in the *Highway*, July, 1919.

As an example of a movement spreading from a Dominion to the United Kingdom, we might mention the Women's Institute Movement, which, beginning in Canada before the war, has spread very rapidly

it may be noted that the expansion of the W. E. A. throughout the Empire has led on directly to the formation of an important new international body covering the whole field of adult education, namely, the World Association for Adult Education, which was established in 1918 mainly through the efforts of the founder of the W. E. A.

The Grouping of the English-Speaking Peoples

Much that has been said in this chapter about the pioneer functions of the British Commonwealth has a wider application: it might equally have been said of the English-speaking peoples. The desire that the United States should be as close to the nations of the British Commonwealth as these nations are to one another, is based on the strongest of all reasons—the fundamental identity of the English-speaking peoples in language, institutions, laws, ideas, and traditions. These nations are at last beginning to realise the truth which has been expressed in the witty saying of a former American Assistant-Secretary of State: "Better than any others can the English-speaking "nations say to one another, 'All the world is queer save "'thee and me—and thee's a little queer,' which is as near "the ideal relation as we are likely to get in international "relations."[1] No more hopeful sign of the realisation of this truth could be found than in the fact that co-operation between the English-speaking nations is coming about in its initial stages, not so much by the action of the Governments, as by the spontaneous action of the peoples—action expressed, after the manner of British peoples, in the formation of a network of voluntary associations—such as the English-Speaking Union, the Anglo-American Society, and a number of others—linking up the peoples of the British Commonwealth and of the United States.[2]

This marks the flooding back of the tide which ebbed out in 1776. There is that now in the hearts of the peoples of

during the war through the English agricultural villages, and is likely to spread to the other Dominions and to foreign countries.

[1] Quoted in *Round Table*, March, 1918.

[2] See article in *The Times*, "American Number," July 4, 1919. Amongst the more important of these societies may be mentioned:

the United States, of the Dominions, and of the United Kingdom, upon which, given wise statesmanship, it will be possible to build the strongest of all guarantees of the success of the League of Nations and of the beginning of a reign of peace upon the earth—namely, an intimate group of English-speaking peoples acting as the pioneers of the human race in its travel towards "the parliament of man and the federation of the world."

(1) the *Pilgrims*, founded in 1902 primarily to link up descendants of the Pilgrim Fathers. (2) The *English Speaking Union*, founded in 1918, with the object of "drawing together in the bond of comradeship "the English-speaking peoples of the world"—a programme which it proposes to carry out as follows: "By the interchange of represen- "tative speakers, by correspondence, by the printed word, by the inter- "change of professors and students, by the interchange of preachers, "by promoting trade and commerce, and by any other means calcu- "lated to remove misunderstanding." Branches of the Union are already springing up in the U.S.A. and in various parts of the Empire. There is a close connexion, as regards the personnel of their executives, and in other ways, between the Union and the Overseas Club. The latter body admits British-descended Americans to associate membership. (3) Another important association—which was also founded in 1918, and is rapidly building up a number of branches in the U.S., the U.K., and the Dominions—is the *Anglo-American Society*, the sub-title of which is: "For celebrating the Tercentenary of the Pilgrim "Fathers and for fostering Friendship between the British and American "Peoples." (4) The *Sulgrave Institute* (with British and American branches), formed in 1914, following the purchase of the old English home of Washington at Sulgrave, Northants, with objects similar to those of the other societies. (5) *The American University Union in Europe*, organised in 1917 to link American Universities, and their students, with European Universities and to promote interchange of professors and students, etc. In conjunction with the *Universities Bureau of the British Empire* (which has established an interchange committee to link it up with the Universities of the world) and with the similar bodies now being established in many foreign countries, this development promises to lead on to a great International League of Universities. The Bureau of the British Empire and the London branches of the American and French Bureaux are now housed together in 50, Russell Square, which is thus becoming "a university international clearing- "house of information and advice and a headquarters for visiting scholars "and conferences." (6) *The British and American Interchange Committee*, created during the war, to link up British and American Churches. (7) *The British and American Fellowship*, formed to link English and American towns, and now developing into a school-linking body. (8) *The Fellowship of Medicine*. Other important links are the Rhodes Scholarship movement, the Y.M.C.A., the Boy Scout movement, etc.

APPENDIX I

INTER-IMPERIAL VOLUNTARY ASSOCIATIONS

THE question of inter-Imperial voluntary associations has received so little attention from writers on the subject that it seems worth while to supplement the brief account given in Ch. X, by adding a few bare details of some of the chief associations in each group.[1]

The most important of the associations in the "closer "unity" group are:

(1) *The Royal Colonial Institute*, which, since its foundation in 1868, has played an important part in building up a community sentiment in the British Commonwealth. In the last ten years it has expanded rapidly, its membership being now nearly 15,000, and extending to British subjects in all parts of the world. The home of the association in London is becoming the centre of a large federation, there being already eight or nine branches in the United Kingdom and a number overseas, in the Dominions, and elsewhere. Through its Imperial Studies Committee, the Institute is doing important work in urging that in the schools and universities of the United Kingdom "English history should be hence-"forth taught, not as the history of the British Isles but of "the British Empire." The Institute has a number of other important committees doing valuable work, amongst which is the Trade and Industry Committee, which acts as a clearing-house of information for producers and traders throughout the Empire.

[1] It is hardly necessary to point out that this Appendix does not pretend to be exhaustive, or to give anything more than a bare outline of the subject. Information on this subject must be sought in the *Annual Reports*, *Journals*, etc., of the various associations. Useful articles on some of the "closer unity" Societies may be found in *United Empire* (1915–16).

(2) *The Victoria League*, which is largely a women's organisation, was founded in 1901, and is now a powerful and representative association, having about forty branches in the United Kingdom and nearly the same number in Australia, New Zealand, and South Africa.[1] The aims of the League are to organise personal intercourse between individuals, arrange mutual hospitality, and secure a welcome for British subjects throughout the Empire ; to act as a centre for the collection and distribution of information, and for the circulation of books and newspapers ; and to carry on educational work amongst the schools of the Empire. In pursuance of these objects the League has done social and educational work of a very valuable kind.

(3) *The Over-Seas Club and Patriotic League.* The Over-Seas Club was founded in 1910, with the object, amongst others, of uniting the British people throughout the world in the bond of comradeship ; of rendering individual service to the Empire, and of maintaining its supremacy upon the seas and in the air. It has recently been amalgamated with The Patriotic League of Britons Over-Seas (founded with the same object, but for British subjects living in foreign countries) and with The League of the Empire, a body performing mainly educational functions. The total membership of the Association is now more than 170,000. It has nearly 200 branches in all parts of the world (only two of which are in the British Isles), and has more than 1,000 Corresponding Secretaries throughout the world. Like the Royal Colonial Institute, it performs important trade functions through its Over-Seas Trade Bureau, and its Over-Seas Employment and Information Bureau.[2]

(4) *The British Empire League*, a powerful organisation, founded in 1894, with the primary object of securing permanent unity of the Empire, and also of developing its trade and communications.

(5) *The Navy League*, founded in 1895, with the object

[1] In Canada, the League works in alliance with a kindred organisation—The Imperial Order, Daughters of the Empire—which has a number of branches in that Dominion.

[2] A project is now on foot to amalgamate the Royal Colonial Institute and the Over-Seas Club and Patriotic League.

of securing "an all-powerful Navy." The League has about 130 Home branches and about 60 in the Dominions and in the rest of the Empire, together with a few in foreign countries. It carries on active propaganda work by means of lectures and the circulation of literature, in the schools and elsewhere. (Cf. with this the *Air League of the British Empire*, founded in 1920.)

To these might be added: *The Empire Movement* (promoting Empire Day, celebrated in 1919 by over 70,000 schools throughout the Empire); *The Imperial Co-operation League* (founded in 1894, as *The Imperial Federation (Defence) League*, and now defunct); various Clubs in the English Universities (especially Oxford and Cambridge), and also in the Universities of the Dominions; and a medley of clubs and societies representing each Dominion, and also each nation of the United Kingdom, in London and elsewhere throughout the Empire, and in foreign countries.

A second group of associations are those with cultural and educational functions. These include:

(1) The *Universities Bureau of the British Empire*, a joint body founded in 1912, to link up the Universities of the Empire. The Bureau is organised as a joint-committee (equipped with a permanent staff) of a quinquennial Conference of the Universities of the Empire. Amongst its objects are to act as a clearing-house of University information and advice (an object partly served by the publication of the *Yearbook of the Universities of the Empire*) to facilitate the interchange of university teachers and students, etc. (2) *The League of the Empire*, founded in 1901, to promote educational work throughout the Empire. Besides publishing text-books on Imperial History and undertaking other important educational activities, the League set in motion a four-yearly Imperial Education Conference in 1907. It held in 1912, the first Imperial Conference of Teachers throughout the Empire, which led to the establishment of a further body, the *Imperial Union of Teachers*. Before its amalgamation with the Over-Seas Club the League had flourishing branches throughout the Empire and a membership running into many thousands. (3) *The Workers' Educational*

Association, founded in 1903. The Association in England is now a powerful federation consisting of over 3,000 educational and workers' organisations. It has established very strong daughter associations in the various Australian States and New Zealand, and also in South Africa and Canada; and a movement is now on foot to establish an Imperial federation of W.E.A.'s, leading on probably to an international league of associations devoted to the education of workers throughout the world. The W.E.A. is already beginning to play an important part in linking up (by the circulation of students and tutors, of literature and of ideas) the democracies of the Empire, and there is every reason to believe that it is destined to play a far more important part in this direction in the future. (4) *The English Association* has eighteen branches in Great Britain, one in South India and one at Toronto, and a total membership of nearly 2,000. Its objects are to promote the study of English language and literature in the schools, universities and elsewhere, and to unite all teachers, writers and others who are interested in English studies.

To these might perhaps be added various bodies such as the *British Association*, which is in the nature of an Imperial Conference on Science meeting in various parts of the Empire; *Shakespeare Clubs* and associations,[1] and *Burns' Clubs*, in every part of the Empire (it has been said that the Empire is founded upon Shakespeare and Burns); and similar organisations. We might add also the *Round Table Groups* throughout the Empire, and movements, not definitely organised as associations, such as the Rhodes' Scholarships; and the growing movement for the exchange of university professors, W.E.A. tutors, teachers and students between various parts of the Empire.[2]

Beside this group might be placed religious organisations like the various English Churches (such as the Church of England, Methodist, Congregational, Baptist, Presbyterian and Unitarian Churches, and the Salvation Army: the Roman Catholic Church is, of course, international rather than inter-Imperial) which have counterparts in each self-

[1] E.g., *The British Empire Shakespeare Association.*

[2] Cf. *Final Report* Dominions Royal Commission [Cd. 8462], pp. 106–7.

governing Dominion and also in other portions of the Empire, and social organisations which are wholly or predominantly inter-Imperial, such as the Y.M.C.A. (which has just established a *Y.M.C.A. British Empire Union* to assist British members travelling in the Empire, etc.), the Boy Scout movement, the Women's Institutes movement, etc.

Professional Associations form a further important group. As an example of these we might take the *British Medical Association*, an exceedingly strong trade union of Doctors, which has individual members all over the world. It is organised in divisions and groups of divisions called branches—43 branches in the United Kingdom with 215 divisions, and 43 outside the United Kingdom with 17 divisions; the branches are largely autonomous units subject to resolutions laid down by the Annual Representative Meeting on questions of policy.

In the "economic" group we might include (in addition to the bodies mentioned in the text) organisations such as the *Empire Cotton Growing Committee* and the *Empire Sugar Research Association*, which have been formed for the purpose of investigating and furthering the development of individual products in various parts of the Empire.

The strong tendency towards the inter-Imperial organisation of Capital has not yet been countered effectively by closer inter-Imperial organisation of the Co-operative and Labour movements, either on the industrial or on the political side. In both cases the international bonds are stronger than the inter-Imperial; even the exchange of documents and of fraternal delegations to annual conferences, etc., is less within the Empire than between Britain and foreign countries.[1]

[1] A clause in the new Labour Party Constitution seems to indicate some recognition of the fact that the special intimacy of the British Group of peoples should make possible a more highly-developed form of co-operation for common purposes than is possible in the wider international sphere. The clause (which is headed "Inter-Dominion" and is followed by a second clause dealing with "International" action) refers to the desirability of co-operation "with the Labour "organisations in the Dominions and Dependencies . . . to take "common action for the promotion of a higher standard of social and "economic life for the working population of the respective countries."

It should be noted that the relations between Indian Labour and British Labour are already close and important.

But the English Co-operative movement is in constant touch, through the Co-operative Union, with the corresponding movements throughout the Empire, aiding them either by literature or advice. Since the war there has been a steady flow from other parts of the Empire to England of students and representatives, who have come not only to study the English movement, but also to link it up more closely with the movements in their own countries.

On the side of the Labour movement, although no definite inter-Imperial organisation exists, there is an increasing, though still slight, tendency towards inter-communication by way of personal visits, and of the exchange of literature and ideas. The flow of ideas (in the form of books, pamphlets, party-literature, etc.) is increasing fairly rapidly in volume and in importance, although it still remains deplorably unorganised.

An important example of this tendency may be seen in the spreading over-seas (as regards membership and branches, as well as ideas and literature) of two of the most influential English Socialist Societies—the *Fabian Society* and the *National Guilds League*. The *Fabian Society*, founded in 1883, has largely influenced the development of the Labour movement in England, and to a less, though an appreciable, extent the Labour movement in the Dominions. It has at present about a dozen branches in the United Kingdom, and, besides individual members in each of the Dominions and India, has three small branches or groups in Canada, as well as two in the U.S.A., one in Denmark, and one in Spain.

The National Guilds League (an organisation founded in 1915, for the study and spread of Guild Socialism) has nearly a dozen branches or groups in the United Kingdom. It is rapidly becoming an important force in the British Labour movement, and the ideas for which it stands are spreading with remarkable rapidity in the Dominions, as well as in the U.S.A. and elsewhere. It has a few individual members in each of the Dominions and in India, and in several foreign countries. In South Africa a National Guilds' League has been formed (with a number of groups) which works on the same lines as the English body.

Reference should be made here to a body recently established in England, called the *Britannic Industrial Alliance*, the main aim of which is to bring together associations of employers and employees (such as "Whitley" councils, etc.), and individuals, throughout the Empire, working for "a better understanding between Capital and Labour."

A few details may also be given with regard to (1) *The Empire Press Union*, founded in 1909. The Union has branches, composed of newspapers and journals, in each centre, the United Kingdom, each of the Dominions, India, Ceylon, and the West Indias. It holds "a Parliament of "the Press," which met first in 1909, and again in Canada in August 1920.

(2) *The Anti-Slavery and Aborigines Protection Society*, a body which has done a great deal of valuable work on behalf of the native races, not only in the Empire, but also in foreign countries, and which has corresponding members in various parts of the world, a number of "Auxiliaries" or branches in the United Kingdom and the Colonies (especially in West Africa), and is in close touch with similar societies in Australia and South Africa.[1]

Amongst the more important of the journals of these bodies may be mentioned *United Empire* (the organ of the Royal Colonial Institute); *Overseas* (Over-Seas Club and Patriotic League); *The Navy* (The Navy League); *The Highway* (the W.E.A.); *Production* (British Empire Producers' Organisation); *The British Medical Journal* (organ of the B.M.A.). *The Journal of the Society of Comparative Legislation*, the *Journal of the Parliaments of the Empire* (Empire Parliamentary Association), and the *Round Table*, a quarterly review of the politics of the British Empire published by the various Round Table Groups, are of outstanding importance.

[1] There are somewhat similar societies in France, Italy, and Switzerland, and a clearing-house for these and the British societies was established in Geneva before the War.

APPENDIX II

A SELECT BIBLIOGRAPHY

FULL references have been given in the text to sources and authorities, and only a short list of the more important or more general books need be given here. Fairly full bibliographies and directions for study may be found in two useful little publications which may be had for a few pence, viz., The *British Empire: A Scheme of Study*, by E. M. W. (published by Council for Study of International Relations), and *The Study of Colonial History*, by A. P. Newton (Helps for Students of History, S.P.C.K., 1919). Reference may also be made to the useful *Guide to the Principal Parliamentary Papers*, relating to the Dominions from 1812–1911, by Adam Ewing and Monro.

Convenient summaries of the history of the Empire may be found in such books as Woodward: *Expansion of the British Empire*; or Lucas: *The British Empire*. Seeley: *Expansion of England* (1883), might also be read, and the chapters in the various volumes of the *Cambridge Modern History*. Ramsay Muir: *Expansion of Europe*, gives a good general account of the wider movement of which British expansion is only a part.

On British colonial policy the best book is Egerton: *Short History of British Colonial Policy* (contains useful bibliography); Currey: *British Colonial Policy*, 1783–1915, gives a convenient summary of the later period. For the earlier period to 1776, Curtis: *Commonwealth of Nations*, is valuable.

For the early development of Responsible Government, the best books are: *The Durham Report*, Ed. by Lucas, 3 Vols. (Vol. I is a valuable commentary and history of the period; Vol. II, text); and Morison: *British Supremacy and Canadian Self-Government*, 1839–54 (1919). For the

ideas of the Colonial Reformers, Mills : *The Colonisation o Australia* (1915), may be consulted. The later developments of Responsible Government and of Dominion nationhood are best studied in two invaluable collections of documents, viz., Egerton & Grant : *Canadian Constitutional Development ;* and Keith : *Selected Speeches and Documents on British Colonial Policy*, 1763–1917. Reference might be made to Jebb : *Studies in Colonial Nationalism* (1905). The development of nationhood in each of the Dominions may be studied in the separate histories of each Dominion contained in the series : *Historical Geography of the British Colonies* (Ed. by Lucas) ; and in other valuable and more recent histories, such as Scott : *Short History of Australia* (1916) ; and Porritt : *Evolution of the Dominion of Canada* (1918). The constitutions and their development are best studied in Egerton : *Federations and Unions in the British Empire ;* Moore : *The Commonwealth of Australia ;* Lefroy : *Canada's Federal System ;* Egerton & Grant, *op. cit. ;* Brand : *Union of South Africa ;* and Eybers : *Select Constitutional Documents Illustrating South African History*, 1795–1910.

An outline of most of the early schemes of Imperial government prior to 1887, may be found in Burt : *Imperial Architects* (1913). For the Imperial Conference and its work the student must go to the *Blue Books* containing the *Proceedings* of the various Conferences, especially those for 1907, 1911, 1917, and 1918. A detailed history of the Conferences up to 1907 will be found in Jebb : *The Imperial Conference* (2 Vols., 1911). The standard authority on Responsible Government, and the relations of the Dominions to the United Kingdom as they stood before the war, is the three massive volumes by Keith : *Responsible Government in the Dominions* (1912). On the problem of government as it stood before the great constitutional developments from 1917 onwards, the following should be read. Ewart : *The Kingdom of Canada* (1908), and *Kingdom Papers* (2 Vols. containing a series of papers extending from 1911 to 1917 ; advocates Canadian independence under the personal bond of the Crown, and later (in 1917), a Canadian Republic) ; Jebb : *The Britannic Question* (1913), (Alliance

as the solution); Curtis: *The Problem of the Commonwealth* (1916) (Imperial Federation as the solution); a wide and impartial but somewhat technical survey of the subject will be found in Keith: *Imperial Unity and the Dominions* (1916). Jenks: *The Government of the British Empire* (1917), is a good and up-to-date survey of the whole field of government, in which a few pages are devoted to the Imperial aspect. Dicey: *The Law of the Constitution* (8th ed., 1915) should be consulted.

For the developments from 1917 onwards, the following should be read: *Proceedings of Imperial Conferences* of 1917 and 1918; *The War Cabinet Reports* for 1917 and 1918; Smuts: *War-Time Speeches* (1917); and *The League of Nations* (1918); Borden: *The War and the Future* (Speeches, 1914–17); Lucas: *The War and the Empire* (1919); Ewart: *Imperial Projects and the Republic of Canada* (Kingdom Paper, No. 21, 1917). *The Debates on the Ratification of the Peace Treaty* in the Canadian, South African, and Australian Parliaments, in September, 1919, and the Canadian *Sessional Paper* 41 *j* (1919), are of great importance. There are useful articles in the monthly and quarterly *Reviews*, especially in the *Round Table* (from 1911 onwards), which is indispensable to any serious study of the subject.

On economic and social developments present and future there is a mass of information in the reports of the *Dominions Royal Commission*, especially the *Final Report* (1917). On this subject the *Oxford Survey of the British Empire* (6 Vols., 1914), might also be consulted.

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